



General Assembly

**Bill No. 6004**

May 9 Special Session,  
2002

LCO No. 5871

Referred to Committee on No Committee

Introduced by:

REP. LYONS, 146<sup>th</sup> Dist.

SEN. SULLIVAN, 5<sup>th</sup> Dist.

**AN ACT CONCERNING STATE EXPENDITURES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-76g of the general statutes, as amended by  
2 section 64 of public act 01-173 and section 5 of public act 01-1 of the  
3 June special session, is repealed and the following is substituted in lieu  
4 thereof (*Effective from passage*):

5 (a) (1) For the fiscal year ending June 30, 1984, and each fiscal year  
6 thereafter, in any case in which special education is being provided at  
7 a private residential institution, including the residential components  
8 of regional educational service centers, to a child for whom no local or  
9 regional board of education can be found responsible under subsection  
10 (b) of section 10-76d, as amended, the Department of Children and  
11 Families shall pay the costs of special education to such institution  
12 pursuant to its authority under sections 17a-1 to 17a-26, inclusive, as  
13 amended, 17a-28 to 17a-50, inclusive, as amended, and 17a-52. (2) For  
14 the fiscal year ending June 30, 1993, and each fiscal year thereafter, any  
15 local or regional board of education which provides special education

16 and related services for any child (A) who is placed by a state agency  
17 in a private residential facility or who is placed in a facility or  
18 institution operated by the Department of Children and Families and  
19 who receives such special education at a program operated by a  
20 regional education service center or program operated by a local or  
21 regional board of education, and (B) for whom no local or regional  
22 board of education can be found responsible under subsection (b) of  
23 section 10-76d, as amended, shall be eligible to receive one hundred  
24 per cent of the reasonable costs of special education for such child as  
25 defined in the regulations of the State Board of Education. Any such  
26 board eligible for payment shall file with the state Department of  
27 Education, in such manner as prescribed by the Commissioner of  
28 Education, annually, on or before December first a statement of the  
29 cost of providing special education for such child, provided a board of  
30 education may submit, not later than February first, claims for  
31 additional children or costs not included in the December filing.  
32 Payment by the state for such costs shall be made to the local or  
33 regional board of education as follows: Seventy-five per cent of the  
34 cost in February and the balance in April.

35 (b) Any local or regional board of education which provides special  
36 education pursuant to the provisions of sections 10-76a to 10-76g,  
37 inclusive, as amended, for any exceptional child described in  
38 subparagraph (A) of subdivision (5) of section 10-76a, under its  
39 jurisdiction, excluding (1) children placed by a state agency for whom  
40 a board of education receives payment pursuant to the provisions of  
41 subdivision (2) of subsection (e) of section 10-76d, as amended, and (2)  
42 children who require special education, who reside on state-owned or  
43 leased property or in permanent family residences, as defined in  
44 section 17a-154, and who are not the educational responsibility of the  
45 unified school districts established pursuant to sections 17a-37, 17a-  
46 240, as amended, and 18-99a, shall be financially responsible for the  
47 reasonable costs of special education instruction, as defined in the  
48 regulations of the State Board of Education, in an amount equal to (A)  
49 for any fiscal year commencing prior to July 1, [2002] 2003, five times

50 the average per pupil educational costs of such board of education for  
51 the prior fiscal year, determined in accordance with the provisions of  
52 subsection (a) of section 10-76f, and (B) for the fiscal year commencing  
53 July 1, [2002] 2003, and each fiscal year thereafter, four and one-half  
54 times such average per pupil educational costs of such board of  
55 education. The State Board of Education shall pay on a current basis  
56 any costs in excess of the local or regional board's basic contribution  
57 paid by such board in accordance with the provisions of this  
58 subsection. Any amounts paid by the State Board of Education on a  
59 current basis pursuant to this subsection shall not be reimbursable in  
60 the subsequent year. Application for such grant shall be made by filing  
61 with the Department of Education, in such manner as prescribed by  
62 the commissioner, annually on or before December first a statement of  
63 the cost of providing special education pursuant to this subsection,  
64 provided a board of education may submit, not later than March first,  
65 claims for additional children or costs not included in the December  
66 filing. Payment by the state for such excess costs shall be made to the  
67 local or regional board of education as follows: Seventy-five per cent of  
68 the cost in February and the balance in May. The amount due each  
69 town pursuant to the provisions of this subsection shall be paid to the  
70 treasurer of each town entitled to such aid, provided the treasurer shall  
71 treat such grant, or a portion of the grant, which relates to special  
72 education expenditures incurred in excess of such town's board of  
73 education budgeted estimate of such expenditures, as a reduction in  
74 expenditures by crediting such expenditure account, rather than town  
75 revenue. Such expenditure account shall be so credited no later than  
76 thirty days after receipt by the treasurer of necessary documentation  
77 from the board of education indicating the amount of such special  
78 education expenditures incurred in excess of such town's board of  
79 education budgeted estimate of such expenditures.

80 (c) Commencing with the fiscal year ending June 30, 1996, and for  
81 each fiscal year thereafter, within available appropriations, each town  
82 whose ratio of (1) net costs of special education, as defined in  
83 subsection (h) of section 10-76f, for the fiscal year prior to the year in

84 which the grant is to be paid to (2) the product of its total need  
 85 students, as defined in section 10-262f, as amended, and the average  
 86 regular program expenditures, as defined in section 10-262f, as  
 87 amended, per need student for all towns for such year exceeds the  
 88 state-wide average for all such ratios shall be eligible to receive a  
 89 supplemental special education grant. Such grant shall be equal to the  
 90 product of a town's eligible excess costs and the town's base aid ratio,  
 91 as defined in section 10-262f, as amended, provided each town's grant  
 92 shall be adjusted proportionately if necessary to stay within the  
 93 appropriation. Payment pursuant to this subsection shall be made in  
 94 June. For purposes of this subsection, a town's eligible excess costs are  
 95 the difference between its net costs of special education and the  
 96 amount the town would have expended if it spent at the state-wide  
 97 average rate.

98 Sec. 2. Subdivision (6) of subsection (a) of section 10-262h of the  
 99 general statutes, as amended by section 4 of public act 01-1 of the June  
 100 special session, is repealed and the following is substituted in lieu  
 101 thereof (*Effective from passage*):

102 (6) For the fiscal year ending June 30, 1996, and each fiscal year  
 103 thereafter, a grant in an amount equal to the amount of its target aid as  
 104 described in subdivision (32) of section 10-262f, as amended, except  
 105 that such amount shall be capped in accordance with the following:  
 106 (A) For the fiscal years ending June 30, 1996, June 30, 1997, June 30,  
 107 1998, and June 30, 1999, for each town, the maximum percentage  
 108 increase over its previous year's base revenue shall be the product of  
 109 five per cent and the ratio of the wealth of the town ranked one  
 110 hundred fifty-third when all towns are ranked in descending order to  
 111 each town's wealth, provided no town shall receive an increase greater  
 112 than five per cent. (B) For the fiscal years ending June 30, 2000, June 30,  
 113 2001, June 30, 2002, and June 30, 2003, for each town, the maximum  
 114 percentage increase over its previous year's base revenue shall be the  
 115 product of six per cent and the ratio of the wealth of the town ranked  
 116 one hundred fifty-third when all towns are ranked in descending order

117 to each town's wealth, provided no town shall receive an increase  
118 greater than six per cent. (C) No such cap shall be used for the fiscal  
119 year ending June 30, 2004, or any fiscal year thereafter. (D) For the  
120 fiscal year ending June 30, 1996, for each town, the maximum  
121 percentage reduction from its previous year's base revenue shall be  
122 equal to the product of three per cent and the ratio of each town's  
123 wealth to the wealth of the town ranked seventeenth when all towns  
124 are ranked in descending order, provided no town's grant shall be  
125 reduced by more than three per cent. (E) For the fiscal years ending  
126 June 30, 1997, June 30, 1998, and June 30, 1999, for each town, the  
127 maximum percentage reduction from its previous year's base revenue  
128 shall be equal to the product of five per cent and the ratio of each  
129 town's wealth to the wealth of the town ranked seventeenth when all  
130 towns are ranked in descending order, provided no town's grant shall  
131 be reduced by more than five per cent. (F) For the fiscal year ending  
132 June 30, 2000, and each fiscal year thereafter, no town's grant shall be  
133 less than the grant it received for the prior fiscal year. (G) In addition  
134 to the amount determined pursuant to this subdivision, a town shall be  
135 eligible for a density supplement if the density of the town is greater  
136 than the average density of all towns in the state. The density  
137 supplement shall be determined by multiplying the density aid ratio of  
138 the town by the foundation level and the town's total need students for  
139 the prior fiscal year provided, for the fiscal year ending June 30, 2000,  
140 and each fiscal year thereafter, no town's density supplement shall be  
141 less than the density supplement such town received for the prior  
142 fiscal year. (H) For the fiscal year ending June 30, 1997, the grant  
143 determined in accordance with this subdivision for a town ranked one  
144 to forty-two when all towns are ranked in descending order according  
145 to town wealth shall be further reduced by one and two-hundredths of  
146 a per cent and such grant for all other towns shall be further reduced  
147 by fifty-six-hundredths of a per cent. (I) For the fiscal year ending June  
148 30, 1998, and each fiscal year thereafter, no town whose school district  
149 is a priority school district shall receive a grant pursuant to this  
150 subdivision in an amount that is less than the amount received under

151 such grant for the prior fiscal year. (J) For the fiscal year ending June  
152 30, 2000, and each fiscal year thereafter, no town whose school district  
153 is a priority school district shall receive a grant pursuant to this  
154 subdivision that provides an amount of aid per resident student that is  
155 less than the amount of aid per resident student provided under the  
156 grant received for the prior fiscal year. (K) For the fiscal year ending  
157 June 30, 1998, and each fiscal year thereafter, no town whose school  
158 district is a priority school district shall receive a grant pursuant to this  
159 subdivision in an amount that is less than seventy per cent of the sum  
160 of (i) the product of a town's base aid ratio, the foundation level and  
161 the town's total need students for the fiscal year prior to the year in  
162 which the grant is to be paid, (ii) the product of a town's supplemental  
163 aid ratio, the foundation level and the sum of the portion of its total  
164 need students count described in subparagraphs (B) and (C) of  
165 subdivision (25) of section 10-262f for the fiscal year prior to the fiscal  
166 year in which the grant is to be paid, and the adjustments to its  
167 resident student count described in subdivision (22) of said section 10-  
168 262f relative to length of school year and summer school sessions, and  
169 (iii) the town's regional bonus. (L) For the fiscal year ending June 30,  
170 2000, and each fiscal year thereafter, no town whose school district is a  
171 transitional school district shall receive a grant pursuant to this  
172 subdivision in an amount that is less than forty per cent of the sum of  
173 (i) the product of a town's base aid ratio, the foundation level and the  
174 town's total need students for the fiscal year prior to the fiscal year in  
175 which the grant is to be paid, (ii) the product of a town's supplemental  
176 aid ratio, the foundation level and the sum of the portion of its total  
177 need students count described in subparagraphs (B) and (C) of  
178 subdivision (25) of section 10-262f for the fiscal year prior to the fiscal  
179 year in which the grant is to be paid, and the adjustments to its  
180 resident student count described in subdivision (22) of said section  
181 10-262f relative to length of school year and summer school sessions,  
182 and (iii) the town's regional bonus. (M) For the fiscal year ending June  
183 30, 2002, (i) each town whose target aid is capped pursuant to this  
184 subdivision shall receive a grant that includes a pro rata share of

185 twenty-five million dollars based on the difference between its target  
 186 aid and the amount of the grant determined with the cap, and (ii) all  
 187 towns shall receive a grant that is at least 1.68 per cent greater than the  
 188 grant they received for the fiscal year ending June 30, 2001. (N) For the  
 189 fiscal year ending June 30, 2003, (i) each town whose target aid is  
 190 capped pursuant to this subdivision shall receive a pro rata share of  
 191 fifty million dollars based on the difference between its target aid and  
 192 the amount of the grant determined with the cap, and (ii) each town  
 193 shall receive a grant that is at least 1.2 per cent more than its base  
 194 revenue, as defined in subdivision (28) of section 10-262f. (O) For the  
 195 fiscal year ending June 30, 2003, each town shall receive a grant that is  
 196 at least equal to the grant it received for the prior fiscal year.

197 Sec. 3. (*Effective from passage*) Notwithstanding the provisions of  
 198 section 10-66j of the general statutes, as amended, for the fiscal year  
 199 ending June 30, 2003, each regional education service center shall  
 200 receive a grant in a proportion equal to the share of the grant the center  
 201 would have received if \$3,132,515 were provided for grants to all such  
 202 regional education service centers.

203 Sec. 4. (NEW) (*Effective from passage*) Each regional vocational-  
 204 technical school shall provide access to directory information and on-  
 205 campus recruiting opportunities to representatives of the armed forces  
 206 of the United States of America and state armed services to the extent  
 207 necessary under federal law to prevent the loss of federal funds to such  
 208 school or to the state of Connecticut. The disclosure of information  
 209 pursuant to this section shall otherwise be subject to the provisions of  
 210 the Freedom of Information Act, as defined in section 1-200 of the  
 211 general statutes, as amended.

212 Sec. 5. Section 10-14q of the general statutes, as amended by section  
 213 1 of public act 01-205, is repealed and the following is substituted in  
 214 lieu thereof (*Effective July 1, 2003*):

215 The provisions of this chapter shall apply to all students requiring  
 216 special education pursuant to section 10-76a, except in the rare case

217 when the planning and placement team for an individual student  
 218 determines that an alternate assessment as specified by the State Board  
 219 of Education is appropriate. The provisions of this chapter shall not  
 220 apply to (1) any limited English proficient student, as defined in Title  
 221 VII of the Improving America's Schools Act of 1994, P.L. 103-382,  
 222 enrolled in school for ten school months or less, [in a bilingual  
 223 program pursuant to sections 10-17e and 10-17f or to any student  
 224 enrolled for ten school months or less in an English as a second  
 225 language program] or (2) any limited English proficient student  
 226 enrolled in school for more than ten school months and less than  
 227 twenty school months who scores below the level established by the  
 228 State Board of Education on the linguistic portion of the designated  
 229 English mastery standard assessment administered in the month prior  
 230 to the administration of the state-wide mastery examination.

231 Sec. 6. (NEW) (*Effective from passage*) (a) In conformance with the No  
 232 Child Left Behind Act, P.L. 107-110, the Commissioner of Education  
 233 shall prepare a state-wide education accountability plan, consistent  
 234 with federal law and regulation. Such plan shall identify the schools  
 235 and districts in need of improvement, require the development and  
 236 implementation of improvement plans and utilize rewards and  
 237 consequences.

238 (b) Public schools identified by the State Board of Education  
 239 pursuant to section 10-223b of the general statutes, revision of 1958,  
 240 revised to January 1, 2001, as schools in need of improvement shall: (1)  
 241 Continue to be identified as schools in need of improvement, and  
 242 continue to operate under school improvement plans developed  
 243 pursuant to said section 10-223b through June 30, 2004; (2) on or before  
 244 February 1, 2003, be evaluated by the local board of education and  
 245 determined to be making sufficient or insufficient progress; (3) if found  
 246 to be making insufficient progress by a local board of education, be  
 247 subject to a new remediation and organization plan developed by the  
 248 local board of education; (4) continue to be eligible for available federal  
 249 or state aid; (5) beginning in February, 2003, be monitored by the



250 Department of Education for adequate yearly progress, as defined in  
251 the state accountability plan prepared in accordance with subsection  
252 (a) of this section; and (6) be subject to rewards and consequences as  
253 defined in said plan.

254 Sec. 7. Subsection (a) of section 10-10a of the general statutes is  
255 repealed and the following is substituted in lieu thereof (*Effective from*  
256 *passage*):

257 (a) The Department of Education shall develop and implement a  
258 state-wide public school information system. The system shall be  
259 designed for the purpose of establishing a standardized electronic data  
260 collection and reporting protocol that will facilitate compliance with  
261 state and federal reporting requirements, improve school-to-school  
262 and district-to-district information exchanges, and maintain the  
263 confidentiality of individual student and staff data. The initial design  
264 shall focus on student information, provided the system shall be  
265 created to allow for future compatibility with financial, facility and  
266 staff data. The system shall provide for the tracking of the performance  
267 of individual students on each of the state-wide mastery examinations  
268 under section 10-14n in order to allow the department to compare the  
269 progress of the same cohort of students who take each examination  
270 and to better analyze school performance. [for purposes of section 10-  
271 223b.]

272 Sec. 8. Section 10a-164a of the general statutes is repealed and the  
273 following is substituted in lieu thereof (*Effective from passage*):

274 (a) The Board of Governors of Higher Education shall annually  
275 request an appropriation to the Department of Higher Education equal  
276 to the amount required, for the fiscal year two years prior, for tuition  
277 waivers, tuition remissions, grants for educational expenses and  
278 student employment under subsection (e) of section 10a-77, subsection  
279 (e) of section 10a-99 and subsection (f) of section 10a-105. The  
280 department shall allocate any such appropriation to The University of  
281 Connecticut, each of the Connecticut state universities and each of the

282 regional community-technical colleges in accordance with a formula  
283 approved by the Board of Governors of Higher Education. The  
284 formula shall take into account the amount of federal student aid  
285 received by students at each institution. The amounts allocated shall be  
286 used to provide grants for educational expenses and student  
287 employment for residents of the state who demonstrate substantial  
288 financial need and are enrolled as full-time or part-time matriculated  
289 students in a degree-granting program or a precollege remedial  
290 program. [or are enrolled in Charter Oak State College and are  
291 attending a public institution of higher education.] For each fiscal year  
292 a minimum of ten per cent of the total amount of state student  
293 financial aid appropriated to each institution which exceeds the  
294 amount received by each institution for the fiscal year ending June 30,  
295 1987, shall be used for student financial aid for needy minority  
296 students in accordance with the board's strategic plan for racial and  
297 ethnic diversity under section 10a-11. For each fiscal year a minimum  
298 of five per cent of the total amount of state student financial aid  
299 appropriated to each institution which exceeds the amount received by  
300 each institution for the fiscal year ending June 30, 1988, shall be used  
301 for on-campus or off-campus community service work-study  
302 placements. Individual awards shall not exceed a student's calculated  
303 financial need as determined on the basis of a needs analysis system  
304 approved by the United States Department of Education. Financial aid  
305 provided to Connecticut residents under this program shall be  
306 designated as a grant from the Connecticut aid to public college  
307 students grant program.

308 (b) Notwithstanding the provisions of subsection (a) of this section  
309 to the contrary, for the fiscal years ending June 30, 1989, and June 30,  
310 1990, no institution shall have its allocation pursuant to this section  
311 reduced for the subsequent fiscal year solely because the institution  
312 did not use, for on-campus or off-campus community service work-  
313 study placements, a minimum of five per cent of the total amount of  
314 state student financial aid appropriated to the institution which  
315 exceeds the amount received by the institution for the fiscal year

316 ending June 30, 1988.

317 (c) The Board of Governors of Higher Education shall request an  
318 appropriation to the Department of Higher Education for each year of  
319 the biennium equal to the amount set aside by Charter Oak State  
320 College in the previous fiscal year for fee waivers. Such amount shall  
321 not exceed fifteen per cent of the tuition and fees paid in the previous  
322 fiscal year. The Department of Higher Education shall allocate any  
323 such appropriation to Charter Oak State College to be used to provide  
324 grants for educational expenses to residents of the state who  
325 demonstrate substantial financial need and who are matriculated in a  
326 degree program at Charter Oak State College. Individual awards shall  
327 not exceed a student's calculated financial need as determined by a  
328 needs analysis system approved by the United States Department of  
329 Education.

330 Sec. 9. (*Effective from passage*) (a) For the fiscal year ending June 30,  
331 2003, the amount of the payments made in accordance with the  
332 following sections of the general statutes shall be reduced  
333 proportionately in the event that the total of such payments in said  
334 year exceeds the amount appropriated for the purposes of said sections  
335 with respect to said year, notwithstanding the provisions of said  
336 sections: Sections 11-24b, 10-54, 10-97, 10-273a, 10-215b, 10-17g and 10-  
337 292o.

338 (b) Notwithstanding the provisions of the general statutes, for the  
339 fiscal year ending June 30, 2003, after determination of any prior year  
340 adjustments, the amount of the grant payable to each grantee under  
341 section 10-71, 10-266m, 10-277 or 10-217a, as amended, of the general  
342 statutes shall be reduced proportionately to remain within the  
343 available appropriation.

344 (c) Notwithstanding the provisions of subsection (b) of section 10-  
345 76g, as amended, subdivisions (2) and (3) of subsection (e) of section  
346 10-76d, subdivision (2) of subsection (a) of section 10-76g and  
347 subsection (b) of section 10-253 of the general statutes, the total amount

348 of grant pursuant to said sections to any grantee shall be limited to its  
349 proportional share of the total grants calculated pursuant to said  
350 sections times the total available appropriated amount.

351 Sec. 10. Section 10-16p of the general statutes is amended by adding  
352 subsection (e) as follows (*Effective from passage*):

353 (e) Notwithstanding any provisions of this section, for the fiscal year  
354 ending June 30, 2003, the amount available for the competitive grant  
355 program shall be \$2,576,580 and the maximum administrative amount  
356 shall not be more than \$198,199.

357 Sec. 11. (*Effective from passage*) Notwithstanding the provisions of  
358 subsection (g) of section 32-305 of the general statutes, as amended by  
359 section 5 of public act 01-6 of the June special session, for the fiscal year  
360 ending June 30, 2003, the sum of \$350,000 to be allocated to the  
361 Department of Transportation pursuant to subdivision (7) of said  
362 section, shall be allocated to the Connecticut Historical Commission to  
363 continue operations of Connecticut's museums.

364 Sec. 12. Subsection (c) of section 10-320b of the general statutes is  
365 repealed and the following is substituted in lieu thereof (*Effective from*  
366 *passage*):

367 (c) The Connecticut Historical Commission shall be within the  
368 [Department of Education] State Library for administrative purposes  
369 only.

370 Sec. 13. (NEW) (*Effective from passage*) The Board of Trustees of the  
371 Community-Technical Colleges may, within available appropriations,  
372 develop manufacturing technology centers on three community-  
373 technical college campuses in geographically diverse locations.

374 Sec. 14. Subsection (a) of section 10a-22b of the general statutes is  
375 repealed and the following is substituted in lieu thereof (*Effective from*  
376 *passage*):

377 (a) No person, board, association, partnership, corporation or other  
 378 entity shall offer occupational instruction unless such person, board,  
 379 association, partnership, corporation or other entity first receives from  
 380 the Commissioner of Higher Education a certificate authorizing the  
 381 occupational instruction to be offered. Except for initial authorizations,  
 382 the Commissioner of Higher Education shall accept institutional  
 383 accreditation by an accrediting agency recognized by the United States  
 384 Department of Education, in satisfaction of the requirements of this  
 385 section and section 10a-22d, including the evaluation and attendance  
 386 requirement, unless the commissioner finds reasonable cause not to  
 387 rely upon such accreditation.

388 Sec. 15. Section 17b-491 of the general statutes is repealed and the  
 389 following is substituted in lieu thereof (*Effective September 1, 2002*):

390 (a) There shall be a "Connecticut Pharmaceutical Assistance  
 391 Contract to the Elderly and the Disabled Program" which shall be  
 392 within the Department of Social Services. The program shall consist of  
 393 payments by the state to pharmacies for the reasonable cost of  
 394 prescription drugs dispensed to eligible persons minus a copayment  
 395 charge. [ effective July 1, 1993, of twelve dollars for each prescription.]  
 396 The pharmacy shall collect the copayment charge from the eligible  
 397 person at the time of each purchase of prescription drugs, and shall not  
 398 waive, discount or rebate in whole or in part such amount. For an  
 399 individual who is determined eligible to participate in the program on  
 400 or after September 1, 2002, said copayment for each prescription shall  
 401 be:

402 (1) Twelve dollars if the participant is (A) not married and has an  
 403 annual income of less than fifteen thousand nine hundred dollars, or  
 404 (B) is married and has an annual income that, when combined with the  
 405 participant's spouse, is less than twenty-one thousand five hundred  
 406 dollars.

407 (2) Fifteen dollars if the participant is (A) not married and has an  
 408 annual income that (i) equals or exceeds fifteen thousand nine hundred

409 dollars, and (ii) equals or is less than twenty thousand dollars, or (B)  
410 married and has an annual income that, when combined with the  
411 participant's spouse (i) equals or exceeds twenty-one thousand five  
412 hundred dollars, and (ii) equals or is less than twenty-seven thousand  
413 one hundred dollars.

414 (3) Upon the granting of a federal waiver to expand the program in  
415 accordance with section 17b-492, as amended, the copayment shall be  
416 twenty dollars for a participant who is (A) not married and has an  
417 annual income that exceeds twenty thousand dollars, or (B) married  
418 and has an annual income that, when combined with the participant's  
419 spouse, exceeds twenty-seven thousand one hundred dollars.

420 (b) Notwithstanding subsection (a) of this section, an individual  
421 who is determined eligible to participate in the program prior to  
422 September 1, 2002, shall be responsible for a copayment of twelve  
423 dollars for each prescription except that such participant shall pay a  
424 copayment of twenty dollars per prescription if the participant has an  
425 annual income that exceeds (1) twenty thousand dollars if not married,  
426 or (2) if married, when combined with the participant's spouse,  
427 twenty-seven thousand one hundred dollars. This subsection shall not  
428 apply to an individual who was determined eligible to participate in  
429 the program prior to September 1, 2002, and who subsequently  
430 reapplies for benefits for any reason after any period of any eligibility.  
431 Such individual shall be determined to be responsible for a copayment  
432 in accordance with subsection (a) of this section. For purposes of this  
433 subsection a redetermination by the Department of Social Services  
434 shall not be considered a reapplication for benefits.

435 (c) On January 1, 2002, and annually thereafter, the commissioner  
436 shall increase the income limits established in subsections (a) and (b) of  
437 this section that set the appropriate participant copayment by the  
438 increase in the annual inflation adjustment in Social Security income, if  
439 any. Each such adjustment shall be determined to the nearest one  
440 hundred dollars.

441        [(b)] (d) Notwithstanding the provisions of subsection (a), effective  
442        September 15, 1991, payment by the state to a pharmacy under the  
443        program may be based on the price paid directly by a pharmacy to a  
444        pharmaceutical manufacturer for drugs dispensed under the program  
445        minus the copayment charge, plus the dispensing fee, if the direct price  
446        paid by the pharmacy is lower than the reasonable cost of such drugs.

447        [(c)] (e) Effective September 15, 1991, reimbursement to a pharmacy  
448        for prescription drugs dispensed under the program shall be based  
449        upon actual package size costs of drugs purchased by the pharmacy in  
450        units larger than or smaller than one hundred.

451        [(d)] (f) The commissioner shall establish an application form  
452        whereby a pharmaceutical manufacturer may apply to participate in  
453        the program. Upon receipt of a completed application, the department  
454        shall issue a certificate of participation to the manufacturer.  
455        Participation by a pharmaceutical manufacturer shall require that the  
456        department shall receive a rebate from the pharmaceutical  
457        manufacturer. Rebate amounts for brand name prescription drugs  
458        shall be equal to those under the Medicaid program. Rebate amounts  
459        for generic prescription drugs shall be established by the  
460        commissioner, provided such amounts may not be less than those  
461        under the Medicaid program. A participating pharmaceutical  
462        manufacturer shall make quarterly rebate payments to the department  
463        for the total number of dosage units of each form and strength of a  
464        prescription drug which the department reports as reimbursed to  
465        providers of prescription drugs, provided such payments shall not be  
466        due until thirty days following the manufacturer's receipt of utilization  
467        data from the department including the number of dosage units  
468        reimbursed to providers of prescription drugs during the quarter for  
469        which payment is due.

470        [(e)] (g) All prescription drugs of a pharmaceutical manufacturer  
471        that participates in the program pursuant to subsection (d) of this  
472        section shall be subject to prospective drug utilization review. Any

473 prescription drug of a manufacturer that does not participate in the  
474 program shall not be reimbursable, unless the department determines  
475 the prescription drug is essential to program participants.

476 Sec. 16. Subsection (a) of section 17b-492 of the general statutes, as  
477 amended by section 22 of public act 01-2 of the June special session  
478 and section 129 of public act 01-9 of the June special session, is  
479 repealed and the following is substituted in lieu thereof (*Effective*  
480 *September 1, 2002*):

481 (a) Eligibility for participation in the program shall be limited to any  
482 resident (1) who is sixty-five years of age or older or who is disabled,  
483 (2) (A) whose annual income, if unmarried, is less than thirteen  
484 thousand eight hundred dollars, except after April 1, 2002, such annual  
485 income is less than twenty thousand dollars, or whose annual income,  
486 if married, when combined with that of the resident's spouse is less  
487 than sixteen thousand six hundred dollars, except after April 1, 2002,  
488 such combined annual income is less than twenty-seven thousand one  
489 hundred dollars, or (B) in the event the program is granted a waiver to  
490 be eligible for federal financial participation, then, after July 1, 2002,  
491 whose annual income, if unmarried, is less than twenty-five thousand  
492 eight hundred dollars, or whose annual income, if married, when  
493 combined with that of the resident's spouse is less than thirty-four  
494 thousand eight hundred dollars, (3) who is not insured under a policy  
495 which provides full or partial coverage for prescription drugs once a  
496 deductible amount is met, and (4) on and after September 15, 1991,  
497 who pays an annual twenty-five-dollar registration fee to the  
498 Department of Social Services. Effective January 1, 2002, the  
499 commissioner shall commence accepting applications from individuals  
500 who will become eligible to participate in the program as of April 1,  
501 2002. On January 1, 1998, and annually thereafter, the commissioner  
502 shall [, by the adoption of regulations in accordance with chapter 54,]  
503 increase the income limits established under this subsection over those  
504 of the previous fiscal year to reflect the annual inflation adjustment in  
505 Social Security income, if any. Each such adjustment shall be



506 determined to the nearest one hundred dollars.

507 Sec. 17. Subdivision (4) of subsection (f) of section 17b-340 of the  
508 general statutes, as amended by section 52 of public act 01-2 of the June  
509 special session and sections 95 and 129 of public act 01-9 of the June  
510 special session, is repealed and the following is substituted in lieu  
511 thereof (*Effective from passage*):

512 (4) For the fiscal year ending June 30, 1992, (A) no facility shall  
513 receive a rate that is less than the rate it received for the rate year  
514 ending June 30, 1991; (B) no facility whose rate, if determined pursuant  
515 to this subsection, would exceed one hundred twenty per cent of the  
516 state-wide median rate, as determined pursuant to this subsection,  
517 shall receive a rate which is five and one-half per cent more than the  
518 rate it received for the rate year ending June 30, 1991; and (C) no  
519 facility whose rate, if determined pursuant to this subsection, would be  
520 less than one hundred twenty per cent of the state-wide median rate,  
521 as determined pursuant to this subsection, shall receive a rate which is  
522 six and one-half per cent more than the rate it received for the rate year  
523 ending June 30, 1991. For the fiscal year ending June 30, 1993, no  
524 facility shall receive a rate that is less than the rate it received for the  
525 rate year ending June 30, 1992, or six per cent more than the rate it  
526 received for the rate year ending June 30, 1992. For the fiscal year  
527 ending June 30, 1994, no facility shall receive a rate that is less than the  
528 rate it received for the rate year ending June 30, 1993, or six per cent  
529 more than the rate it received for the rate year ending June 30, 1993.  
530 For the fiscal year ending June 30, 1995, no facility shall receive a rate  
531 that is more than five per cent less than the rate it received for the rate  
532 year ending June 30, 1994, or six per cent more than the rate it received  
533 for the rate year ending June 30, 1994. For the fiscal years ending June  
534 30, 1996, and June 30, 1997, no facility shall receive a rate that is more  
535 than three per cent more than the rate it received for the prior rate  
536 year. For the fiscal year ending June 30, 1998, a facility shall receive a  
537 rate increase that is not more than two per cent more than the rate that  
538 the facility received in the prior year. For the fiscal year ending June

539 30, 1999, a facility shall receive a rate increase that is not more than  
540 three per cent more than the rate that the facility received in the prior  
541 year and that is not less than one per cent more than the rate that the  
542 facility received in the prior year, exclusive of rate increases associated  
543 with a wage, benefit and staffing enhancement rate adjustment added  
544 for the period from April 1, 1999, to June 30, 1999, inclusive. For the  
545 fiscal year ending June 30, 2000, each facility, except a facility with an  
546 interim rate or replaced interim rate for the fiscal year ending June 30,  
547 1999, and a facility having a certificate of need or other agreement  
548 specifying rate adjustments for the fiscal year ending June 30, 2000,  
549 shall receive a rate increase equal to one per cent applied to the rate the  
550 facility received for the fiscal year ending June 30, 1999, exclusive of  
551 the facility's wage, benefit and staffing enhancement rate adjustment.  
552 For the fiscal year ending June 30, 2000, no facility with an interim rate,  
553 replaced interim rate or scheduled rate adjustment specified in a  
554 certificate of need or other agreement for the fiscal year ending June  
555 30, 2000, shall receive a rate increase that is more than one per cent  
556 more than the rate the facility received in the fiscal year ending June  
557 30, 1999. For the fiscal year ending June 30, 2001, each facility, except a  
558 facility with an interim rate or replaced interim rate for the fiscal year  
559 ending June 30, 2000, and a facility having a certificate of need or other  
560 agreement specifying rate adjustments for the fiscal year ending June  
561 30, 2001, shall receive a rate increase equal to two per cent applied to  
562 the rate the facility received for the fiscal year ending June 30, 2000,  
563 subject to verification of wage enhancement adjustments pursuant to  
564 subdivision (15) of this subsection. For the fiscal year ending June 30,  
565 2001, no facility with an interim rate, replaced interim rate or  
566 scheduled rate adjustment specified in a certificate of need or other  
567 agreement for the fiscal year ending June 30, 2001, shall receive a rate  
568 increase that is more than two per cent more than the rate the facility  
569 received for the fiscal year ending June 30, 2000. For the fiscal year  
570 ending June 30, 2002, each facility shall receive a rate that is two and  
571 one-half per cent more than the rate the facility received in the prior  
572 fiscal year. For the fiscal year ending June 30, 2003, each facility shall

573 receive a rate that is two per cent more than the rate the facility  
574 received in the prior fiscal year, except that such increase shall be  
575 effective January 1, 2003, and such facility rate in effect for the fiscal  
576 year ending June 30, 2002, shall be paid for services provided until  
577 December 31, 2002, except any facility that would have been issued a  
578 lower rate effective July 1, 2002, than for the fiscal year ending June 30,  
579 2002, due to interim rate status or agreement with the department shall  
580 be issued such lower rate effective July 1, 2002, and have such rate  
581 increased two per cent effective January 1, 2003. The Commissioner of  
582 Social Services shall add fair rent increases to any other rate increases  
583 established pursuant to this subdivision for a facility which has  
584 undergone a material change in circumstances related to fair rent.

585       Sec. 18. Subsection (g) of section 17b-340 of the general statutes, as  
586 amended by sections 38 and 62 of public act 01-2 of the June special  
587 session, is repealed and the following is substituted in lieu thereof  
588 (*Effective from passage*):

589       (g) For the fiscal year ending June 30, 1993, any intermediate care  
590 facility for the mentally retarded with an operating cost component of  
591 its rate in excess of one hundred forty per cent of the median of  
592 operating cost components of rates in effect January 1, 1992, shall not  
593 receive an operating cost component increase. For the fiscal year  
594 ending June 30, 1993, any intermediate care facility for the mentally  
595 retarded with an operating cost component of its rate that is less than  
596 one hundred forty per cent of the median of operating cost  
597 components of rates in effect January 1, 1992, shall have an allowance  
598 for real wage growth equal to thirty per cent of the increase  
599 determined in accordance with subsection (q) of section 17-311-52 of  
600 the regulations of Connecticut state agencies, provided such operating  
601 cost component shall not exceed one hundred forty per cent of the  
602 median of operating cost components in effect January 1, 1992. Any  
603 facility with real property other than land placed in service prior to  
604 October 1, 1991, shall, for the fiscal year ending June 30, 1995, receive a  
605 rate of return on real property equal to the average of the rates of

606 return applied to real property other than land placed in service for the  
607 five years preceding October 1, 1993. For the fiscal year ending June 30,  
608 1996, and any succeeding fiscal year, the rate of return on real property  
609 for property items shall be revised every five years. The commissioner  
610 shall, upon submission of a request, allow actual debt service,  
611 comprised of principal and interest, in excess of property costs allowed  
612 pursuant to section 17-311-52 of the regulations of Connecticut state  
613 agencies, provided such debt service terms and amounts are  
614 reasonable in relation to the useful life and the base value of the  
615 property. For the fiscal year ending June 30, 1995, and any succeeding  
616 fiscal year, the inflation adjustment made in accordance with  
617 subsection (p) of section 17-311-52 of the regulations of Connecticut  
618 state agencies, shall not be applied to real property costs. For the fiscal  
619 year ending June 30, 1996, and any succeeding fiscal year, the  
620 allowance for real wage growth as determined in accordance with  
621 subsection (q) of section 17-311-52 of the regulations of Connecticut  
622 state agencies, shall not be applied. For the fiscal year ending June 30,  
623 1996, and any succeeding fiscal year, no rate shall exceed three  
624 hundred seventy-five dollars per day unless the commissioner, in  
625 consultation with the Commissioner of Mental Retardation,  
626 determines after a review of program and management costs, that a  
627 rate in excess of this amount is necessary for care and treatment of  
628 facility residents. For the fiscal year ending June 30, 2002, rate period,  
629 the Commissioner of Social Services shall increase the inflation  
630 adjustment for rates made in accordance with subsection (p) of section  
631 17-311-52 of the Regulations of State Agencies to update allowable  
632 fiscal year 2000 costs to include a three and one-half per cent inflation  
633 factor. For the fiscal year ending June 30, 2003, rate period, the  
634 commissioner shall increase the inflation adjustment for rates made in  
635 accordance with subsection (p) of section 17-311-52 of the Regulations  
636 of State Agencies to update allowable fiscal year 2001 costs to include a  
637 one and one-half per cent inflation factor, except that such increase  
638 shall be effective November 1, 2002, and such facility rate in effect for  
639 the fiscal year ending June 30, 2002, shall be paid for services provided

640 until October 31, 2002, except any facility that would have been issued  
 641 a lower rate effective July 1, 2002, than for the fiscal year ending June  
 642 30, 2002, due to interim rate status or agreement with the department  
 643 shall be issued such lower rate effective July 1, 2002, and have such  
 644 rate updated effective November 1, 2002, in accordance with  
 645 applicable statutes and regulations.

646 Sec. 19. Section 17b-257 of the general statutes, as amended by  
 647 section 59 of public act 01-2 of the June special session and section 129  
 648 of public act 01-9 of the June special session, is repealed and the  
 649 following is substituted in lieu thereof (*Effective from passage*):

650 On and after July 1, 1998, the Commissioner of Social Services shall  
 651 implement a state medical assistance program for persons ineligible for  
 652 Medicaid and on or before April 1, 1997, the commissioner shall  
 653 implement said program in the towns in which the fourteen regional  
 654 or district offices of the Department of Social Services are located. The  
 655 commissioner shall establish a schedule for the transfer of recipients of  
 656 medical assistance administered by towns under the general assistance  
 657 program to the state program. To the extent possible, the  
 658 administration of the state medical assistance program shall parallel  
 659 that of the Medicaid program as it is administered to recipients of  
 660 temporary family assistance, including eligibility criteria concerning  
 661 income and assets. Payment for medical services shall be made only  
 662 for individuals determined eligible. The rates of payment for medical  
 663 services shall be those of the Medicaid program. Medical services  
 664 covered under the program shall be those covered under the Medicaid  
 665 program, except that nonemergency medical transportation, eye care,  
 666 optical hardware and optometry care, podiatry, chiropractic,  
 667 natureopathy, home health care and long-term care and services  
 668 available pursuant to a home and community-based services waiver  
 669 under Section 1915 of the Social Security Act shall not be covered. On  
 670 or after April 1, 1997, the commissioner shall implement a managed  
 671 care program for medical services provided under this program,  
 672 except services provided pursuant to section 17a-453a.

673 Notwithstanding the provisions of sections 4a-51 and 4a-57, the  
674 commissioner may enter into contracts, including, but not limited to,  
675 purchase of service agreements to implement the provisions of this  
676 section.

677 Sec. 20. Subsection (b) of section 17b-259 of the general statutes, as  
678 amended by section 60 of public act 01-2 of the June special session  
679 and sections 107 and 129 of public act 01-9 of the June special session,  
680 is repealed and the following is substituted in lieu thereof (*Effective*  
681 *from passage*):

682 (b) The medical services for which a town shall be liable under this  
683 section and for which a town shall be reimbursed by the state shall be  
684 limited to the following medically necessary services provided such  
685 services are covered under the Medicaid program: (1) Physician  
686 services, (2) hospital services, on an inpatient basis subject to the  
687 provisions of section 17b-220 and outpatient care, (3) community clinic  
688 services, (4) prescription drugs, excluding over-the-counter drugs, (5)  
689 hearing aids, (6) laboratory and x-ray services, (7) emergency dental  
690 services, (8) emergency medical transportation, [(9) glasses, and (10)]  
691 and (9) examinations (A) needed to determine unemployability, or (B)  
692 requested by an attorney to establish the eligibility of a person  
693 receiving general assistance benefits for federal supplementary  
694 security income benefits pursuant to section 17b-119. Services not  
695 covered under this program include, but are not limited to,  
696 nonemergency medical transportation, eye care, optical hardware and  
697 optometry care, podiatry, chiropractic, natureopathy and home health  
698 care. In lieu of providing medical services, in accordance with this  
699 section, a town or group of towns may submit a plan to the  
700 Department of Social Services for approval to provide medical services  
701 in some other manner. The department shall approve the plan only if  
702 the persons served under it receive at least the services listed in this  
703 subsection and the plan offers the possibility of improved medical care  
704 or cost savings. The department shall encourage a town or group of  
705 towns to contract for the management of such medically necessary

706 services.

707       Sec. 21. (*Effective from passage*) Notwithstanding the provisions of  
 708 chapter 372 of the general statutes, during the period commencing on  
 709 the effective date of this section and ending thirty days after said  
 710 effective date, the Department of Public Health shall issue a license to  
 711 practice chiropractic to any applicant who presents to the department  
 712 satisfactory evidence that the applicant: (1) Has graduated from an  
 713 accredited school of chiropractic approved by the State Board of  
 714 Chiropractic Examiners with the consent of the Commissioner of  
 715 Public Health; (2) holds current licensure as a chiropractor in at least  
 716 two other states; (3) has practiced chiropractic for not less than twenty  
 717 years; and (4) has served as dean of an accredited school of  
 718 chiropractic at an institute of higher education in this state for not less  
 719 than five years consecutively, while serving as a professor of clinical  
 720 sciences during such tenure.

721       Sec. 22. Section 17b-257b of the general statutes, as amended by  
 722 section 109 of public act 01-9 of the June special session, is repealed  
 723 and the following is substituted in lieu thereof (*Effective from passage*):

724       Qualified aliens, as defined in Section 431 of Public Law 104-193,  
 725 admitted into the United States on or after August 22, 1996, other  
 726 lawfully residing immigrant aliens or aliens who formerly held the  
 727 status of permanently residing under color of law who have been  
 728 determined eligible for Medicaid or for state-administered general  
 729 assistance medical aid prior to July 1, 1997, may be eligible for state-  
 730 funded medical assistance which shall provide coverage to the same  
 731 extent as the Medicaid program, state-administered general assistance  
 732 medical aid or the HUSKY Plan, Part B provided other conditions of  
 733 eligibility are met. Such qualified aliens or lawfully residing immigrant  
 734 aliens or aliens who formerly held the status of permanently residing  
 735 under color of law who have not been determined eligible for  
 736 Medicaid or for state-administered general assistance medical aid prior  
 737 to July 1, 1997, shall be eligible for state-funded assistance or the

738 HUSKY Plan, Part B subsequent to six months from establishing  
739 residency in this state. The Commissioner of Social Services shall not  
740 accept applications for assistance pursuant to this section on or after  
741 [June 30, 2002] June 30, 2003. Notwithstanding the provisions of this  
742 section, any qualified alien or other lawfully residing immigrant alien  
743 or alien who formerly held the status of permanently residing under  
744 color of law who is a victim of domestic violence or who has mental  
745 retardation shall be eligible for state-funded assistance or the HUSKY  
746 Plan, Part B pursuant to this section. Only individuals who are not  
747 eligible for Medicaid shall be eligible for state-funded assistance  
748 pursuant to this section.

749 Sec. 23. Subsection (a) of section 17b-342 of the general statutes, as  
750 amended by section 110 of public act 01-9 of the June special session, is  
751 repealed and the following is substituted in lieu thereof (*Effective from*  
752 *passage*):

753 (a) The Commissioner of Social Services shall administer the  
754 Connecticut home-care program for the elderly state-wide in order to  
755 prevent the institutionalization of elderly persons (1) who are  
756 recipients of medical assistance, (2) who are eligible for such  
757 assistance, (3) who would be eligible for medical assistance if residing  
758 in a nursing facility, or (4) who meet the criteria for the state-funded  
759 portion of the program under subsection (i) of this section. For  
760 purposes of this section, a long-term care facility is a facility which has  
761 been federally certified as a skilled nursing facility or intermediate care  
762 facility. The commissioner shall make any revisions in the state  
763 Medicaid plan required by Title XIX of the Social Security Act prior to  
764 implementing the program. The annualized cost of the community-  
765 based services provided to such persons under the program shall not  
766 exceed sixty per cent of the weighted average cost of care in skilled  
767 nursing facilities and intermediate care facilities. The program shall be  
768 structured so that the net cost to the state for long-term facility care in  
769 combination with the community-based services under the program  
770 shall not exceed the net cost the state would have incurred without the



771 program. The commissioner shall investigate the possibility of  
 772 receiving federal funds for the program and shall apply for any  
 773 necessary federal waivers. A recipient of services under the program,  
 774 and the estate and legally liable relatives of the recipient, shall be  
 775 responsible for reimbursement to the state for such services to the  
 776 same extent required of a recipient of assistance under the state  
 777 supplement program, medical assistance program, temporary family  
 778 assistance program or food stamps program. Only a United States  
 779 citizen or a noncitizen who meets the citizenship requirements for  
 780 eligibility under the Medicaid program shall be eligible for home-care  
 781 services under this section, except a qualified alien, as defined in  
 782 Section 431 of Public Law 104-193, admitted into the United States on  
 783 or after August 22, 1996, or other lawfully residing immigrant alien  
 784 determined eligible for services under this section prior to July 1, 1997,  
 785 shall remain eligible for such services. The Commissioner of Social  
 786 Services shall not accept applications for assistance pursuant to this  
 787 section from a qualified alien, as defined in Section 431 of Public Law  
 788 104-193, or other lawfully residing immigrant alien after [June 30, 2002]  
 789 June 30, 2003. Qualified aliens or other lawfully residing immigrant  
 790 aliens not determined eligible prior to July 1, 1997, shall be eligible for  
 791 services under this section subsequent to six months from establishing  
 792 residency. Notwithstanding the provisions of this subsection, any  
 793 qualified alien or other lawfully residing immigrant alien or alien who  
 794 formerly held the status of permanently residing under color of law  
 795 who is a victim of domestic violence or who has mental retardation  
 796 shall be eligible for assistance pursuant to this section. Qualified aliens,  
 797 as defined in Section 431 of Public Law 104-193, or other lawfully  
 798 residing immigrant aliens or aliens who formerly held the status of  
 799 permanently residing under color of law shall be eligible for services  
 800 under this section provided other conditions of eligibility are met.

801 Sec. 24. Subsection (a) of section 17b-112c of the general statutes, as  
 802 amended by section 17 of public act 01-2 and sections 127 and 129 of  
 803 public act 01-9 of the June special session, is repealed and the following  
 804 is substituted in lieu thereof (*Effective from passage*):

805 (a) Qualified aliens, as defined in Section 431 of Public Law 104-193,  
806 who do not qualify for federally-funded cash assistance, other lawfully  
807 residing immigrant aliens or aliens who formerly held the status of  
808 permanently residing under color of law shall be eligible for solely  
809 state-funded temporary family assistance or cash assistance under the  
810 state-administered general assistance program, provided other  
811 conditions of eligibility are met. An individual who is granted  
812 assistance under this section must pursue citizenship to the maximum  
813 extent allowed by law as a condition of eligibility unless incapable of  
814 doing so due to a medical problem, language barrier or other reason as  
815 determined by the Commissioner of Social Services. Notwithstanding  
816 the provisions of this section, any qualified alien or other lawfully  
817 residing immigrant alien or alien who formerly held the status of  
818 permanently residing under color of law who is a victim of domestic  
819 violence or who has mental retardation shall be eligible for assistance  
820 under this section. The commissioner shall not accept new applications  
821 for assistance under this subsection after ~~June 30, 2002~~ June 30, 2003.

822 Sec. 25. Subsection (a) of section 17b-790a of the general statutes, as  
823 amended by section 18 of public act 01-2 and section 129 of public act  
824 01-9 of the June special session, is repealed and the following is  
825 substituted in lieu thereof (*Effective from passage*):

826 (a) The Commissioner of Social Services, within available  
827 appropriations, shall establish a food assistance program for  
828 individuals entering the United States prior to April 1, 1998, whose  
829 immigrant status meets the eligibility requirements of the federal Food  
830 Stamp Act of 1977, as amended, but who are no longer eligible for food  
831 stamps solely due to their immigrant status under Public Law 104-193.  
832 The commissioner shall not accept new applications for assistance  
833 under this section after ~~June 30, 2002~~ June 30, 2003. Individuals who  
834 enter the United States after April 1, 1998, must have resided in the  
835 state for six months prior to becoming eligible for the state program.  
836 The commissioner may administer such program in accordance with  
837 the provisions of the federal food stamp program, except those

838 pertaining to the determination of immigrant status under Public Law  
839 104-193.

840       Sec. 26. (*Effective from passage*) Notwithstanding the provisions of  
841 subsection (a) of section 20-195dd of the general statutes, during the  
842 period commencing on the effective date of this section and ending  
843 thirty days after said effective date, an applicant for licensure as a  
844 professional counselor under chapter 383c of the general statutes, in  
845 lieu of the requirements set forth in said subsection, may submit  
846 evidence satisfactory to the Commissioner of Public Health of having:  
847 (1) Earned a master's degree in education from a regionally accredited  
848 institution of higher education; (2) completed at least seventy credit  
849 hours leading to a degree in clinical psychology from a regionally  
850 accredited institution of higher education; (3) practiced professional  
851 counseling for a minimum of ten years within a fifteen-year period  
852 immediately preceding the date of application; and (4) passed an  
853 examination prescribed by the commissioner.

854       Sec. 27. (NEW) (*Effective from passage*) (a) The Commissioner of  
855 Social Services may, within available appropriations, establish and  
856 operate a pilot program to allow not more than fifty persons to receive  
857 assisted living services, provided by an assisted living services agency  
858 licensed by the Department of Public Health in accordance with  
859 chapter 368v of the general statutes. In order to be eligible for the  
860 program, a person shall: (1) Reside in a managed residential  
861 community, as defined by the regulations of the Department of Public  
862 Health; (2) be ineligible to receive assisted living services under any  
863 other assisted living pilot program established by the General  
864 Assembly; and (3) be eligible for services under the Medicaid waiver  
865 portion of the Connecticut home-care program for the elderly  
866 established under section 17b-342 of the general statutes, as amended.  
867 The Commissioner of Social Services shall use the current Medicaid  
868 rules under 42 USC 1396p(c), as from time to time amended.

869       (b) The pilot program established pursuant to this section may

870 begin operation on or after January 1, 2003. Not later than January 1,  
871 2005, the Commissioner of Social Services shall report, in accordance  
872 with section 11-4a of the general statutes, to the joint standing  
873 committees of the General Assembly having cognizance of matters  
874 relating to public health, human services, appropriations and the  
875 budgets of state agencies on the pilot program.

876 Sec. 28. (NEW) (*Effective from passage*) (a) The Commissioner of  
877 Social Services may, within available appropriations, establish and  
878 operate a pilot program to allow not more than twenty-five persons to  
879 receive assisted living services, provided by an assisted living services  
880 agency licensed by the Department of Public Health, in accordance  
881 with chapter 368v of the general statutes. In order to be eligible for the  
882 pilot program, a person shall: (1) Reside in a managed residential  
883 community, as defined by the regulations of the Department of Public  
884 Health; (2) be ineligible to receive assisted living services under any  
885 other assisted living pilot program established by the General  
886 Assembly; and (3) be eligible for services under the state-funded  
887 portion of the Connecticut home-care program for the elderly  
888 established under section 17b-342 of the general statutes, as amended.  
889 The Commissioner of Social Services shall use the current Medicaid  
890 rules under 42 USC 1396p(c), as from time to time amended.

891 (b) The pilot program established pursuant to this section may  
892 begin operation on or after January 1, 2003. Not later than January 1,  
893 2005, the Commissioner of Social Services shall report, in accordance  
894 with section 11-4a of the general statutes, to the joint standing  
895 committees of the General Assembly having cognizance of matters  
896 relating to public health, human services, appropriations and the  
897 budgets of state agencies on the pilot program.

898 Sec. 29. Subsection (b) of section 46b-129 of the general statutes is  
899 repealed and the following is substituted in lieu thereof (*Effective from*  
900 *passage*):

901 (b) If it appears from the specific allegations of the petition and

902 other verified affirmations of fact accompanying the petition and  
903 application, or subsequent thereto, that there is reasonable cause to  
904 believe that (1) the child or youth is suffering from serious physical  
905 illness or serious physical injury or is in immediate physical danger  
906 from [his] the child's or youth's surroundings, and (2) that as a result of  
907 said conditions, the child's or youth's safety is endangered and  
908 immediate removal from such surroundings is necessary to ensure the  
909 child's or youth's safety, the court shall either (A) issue an order to the  
910 parents or other person having responsibility for the care of the child  
911 or youth to appear at such time as the court may designate to  
912 determine whether the court should vest in some suitable agency or  
913 person the child's or youth's temporary care and custody pending  
914 disposition of the petition, or (B) issue an order ex parte vesting in  
915 some suitable agency or person the child's or youth's temporary care  
916 and custody. A preliminary hearing on any ex parte custody order or  
917 order to appear issued by the court shall be held within ten days from  
918 the issuance of such order. The service of such orders may be made by  
919 any officer authorized by law to serve process, or by any probation  
920 officer appointed in accordance with section 46b-123, investigator from  
921 the Department of Administrative Services, state or local police officer  
922 or indifferent person. Such orders shall include a conspicuous notice to  
923 the respondent written in clear and simple language containing at least  
924 the following information: (i) That the order contains allegations that  
925 conditions in the home have endangered the safety and welfare of the  
926 child or youth; (ii) that a hearing will be held on the date on the form;  
927 (iii) that the hearing is the opportunity to present the parents' position  
928 concerning the alleged facts; (iv) that an attorney will be appointed for  
929 parents who cannot afford an attorney; (v) that such parents may  
930 apply for a court-appointed attorney by going in person to the court  
931 address on the form and are advised to go as soon as possible in order  
932 for the attorney to prepare for the hearing; and (vi) if such parents  
933 have any questions concerning the case or appointment of counsel, any  
934 such parent is advised to go to the court or call the clerk's office at the  
935 court as soon as possible. Upon application for appointed counsel, the

936 court shall promptly determine eligibility and, if the respondent is  
 937 eligible, promptly appoint counsel. The expense for any temporary  
 938 care and custody shall be paid by the town in which such child or  
 939 youth is at the time residing, and such town shall be reimbursed  
 940 therefore by the town found liable for [his] the child's or youth's  
 941 support, except that where a state agency has filed a petition pursuant  
 942 to the provisions of subsection (a) of this section, the agency shall pay  
 943 such expense. The agency shall give primary consideration to placing  
 944 the child or youth in the town where such child or youth resides. The  
 945 agency shall file in writing with the clerk of the court the reasons for  
 946 placing the child or youth in a particular placement outside the town  
 947 where the child or youth resides. Upon issuance of an ex parte order,  
 948 the court shall provide to the commissioner and the parent or guardian  
 949 specific steps necessary for each to take to address the ex parte order  
 950 for the parent or guardian to retain or regain custody of the child or  
 951 youth. Upon the issuance of such order, or not later than sixty days  
 952 after the issuance of such order, the court shall make a determination  
 953 whether the Department of Children and Families made reasonable  
 954 efforts to keep the child or youth with his or her parents or guardian  
 955 prior to the issuance of such order and, if such efforts were not made,  
 956 whether such reasonable efforts were not possible, taking into  
 957 consideration the child's or youth's best interests, including the child's  
 958 or youth's health and safety.

959 Sec. 30. Subsection (j) of section 46b-129 of the general statutes, as  
 960 amended by section 6 of public act 01-142, is repealed and the  
 961 following is substituted in lieu thereof (*Effective from passage*):

962 (j) Upon finding and adjudging that any child or youth is uncared-  
 963 for, neglected or dependent, the court may commit such child or youth  
 964 to the Commissioner of Children and Families. Such commitment shall  
 965 remain in effect until further order of the court pursuant to the  
 966 provisions of subsection (k) of this section, provided such commitment  
 967 may be revoked or parental rights terminated at any time by the court,  
 968 or the court may vest such child's or youth's care and personal custody

969 in any private or public agency which is permitted by law to care for  
970 neglected, uncared-for or dependent children or youth or with any  
971 person or persons found to be suitable and worthy of such  
972 responsibility by the court. The court shall order specific steps which  
973 the parent must take to facilitate the return of the child or youth to the  
974 custody of such parent. The commissioner shall be the guardian of  
975 such child or youth for the duration of the commitment, provided the  
976 child or youth has not reached the age of eighteen years or, in the case  
977 of a child or youth in full-time attendance in a secondary school, a  
978 technical school, a college or a state-accredited job training program,  
979 provided such child or youth has not reached the age of twenty-one  
980 years, by consent of such youth, or until another guardian has been  
981 legally appointed, and in like manner, upon such vesting of the care of  
982 such child or youth, such other public or private agency or individual  
983 shall be the guardian of such child or youth until such child or youth  
984 has reached the age of eighteen years or, in the case of a child or youth  
985 in full-time attendance in a secondary school, a technical school, a  
986 college or a state-accredited job training program, until such child or  
987 youth has reached the age of twenty-one years or until another  
988 guardian has been legally appointed. Said commissioner may place  
989 any child or youth so committed to the commissioner in a suitable  
990 foster home or in the home of a person related by blood to such child  
991 or youth or in a licensed child-caring institution or in the care and  
992 custody of any accredited, licensed or approved child-caring agency,  
993 within or without the state, provided a child shall not be placed  
994 outside the state except for good cause and unless the parents or  
995 guardian of such child are notified in advance of such placement and  
996 given an opportunity to be heard, or in a receiving home maintained  
997 and operated by the Commissioner of Children and Families. In  
998 placing such child or youth, said commissioner shall, if possible, select  
999 a home, agency, institution or person of like religious faith to that of a  
1000 parent of such child or youth, if such faith is known or may be  
1001 ascertained by reasonable inquiry, provided such home conforms to  
1002 the standards of said commissioner and the commissioner shall, when

1003 placing siblings, if possible, place such children together. As an  
1004 alternative to commitment, the court may place the child or youth in  
1005 the custody of the parent or guardian with protective supervision by  
1006 the Commissioner of Children and Families subject to conditions  
1007 established by the court. Upon the issuance of an order committing the  
1008 child or youth to the Commissioner of Children and Families, or not  
1009 later than sixty days after the issuance of such order, the court shall  
1010 make a determination whether the Department of Children and  
1011 Families made reasonable efforts to keep the child or youth with his or  
1012 her parents or guardian prior to the issuance of such order and, if such  
1013 efforts were not made, whether such reasonable efforts were not  
1014 possible, taking into consideration the child's or youth's best interests,  
1015 including the child's or youth's health and safety.

1016 Sec. 31. Section 45a-607 of the general statutes is repealed and the  
1017 following is substituted in lieu thereof (*Effective from passage*):

1018 (a) When application has been made for the removal of one or both  
1019 parents as guardians or of any other guardian of the person of a minor  
1020 child, or when an application has been made for the termination of the  
1021 parental rights of any parties who may have parental rights with  
1022 regard to any minor child, or when, in any proceeding the court has  
1023 reasonable grounds to believe that any minor child has no guardian of  
1024 his or her person, the court of probate in which the proceeding is  
1025 pending may issue an order awarding temporary custody of the minor  
1026 child to a person other than the parent or guardian, with or without  
1027 the parent's or guardian's consent, but such order may only be issued  
1028 in accordance with the provisions of this section.

1029 (b) In the case of a minor child in the custody of the parent or other  
1030 guardian, no application for custody of such minor child may be  
1031 granted ex parte, except in accordance with subdivision (2) of this  
1032 subsection. In the case of a minor child in the custody of a person other  
1033 than the parent or guardian, no application for custody may be  
1034 granted ex parte, except in accordance with subdivisions (1) to (3),



1035 inclusive, of this subsection.

1036 (1) An application for immediate temporary custody shall be  
1037 accompanied by an affidavit made by the custodian of such minor  
1038 child under penalty of false statement, stating the circumstances under  
1039 which such custody was obtained, the length of time the affiant has  
1040 had custody and specific facts which would justify the conclusion that  
1041 determination cannot await the hearing required by subsection (c) of  
1042 this section. Upon such application, the court may grant immediate  
1043 temporary custody to the affiant or some other suitable person if the  
1044 court finds that: (A) The minor child was not taken or kept from the  
1045 parent, parents or guardian, and (B) there is a substantial likelihood  
1046 that the minor child will be removed from the jurisdiction prior to a  
1047 hearing under subsection (c) of this section, or (C) to return the minor  
1048 child to the parent, parents or guardian would place the minor child in  
1049 circumstances which would result in serious physical illness or injury,  
1050 or the threat thereof, or imminent physical danger prior to a hearing  
1051 under subsection (c) of this section.

1052 (2) In the case of a minor child who is hospitalized as a result of  
1053 serious physical illness or serious physical injury, an application for  
1054 immediate temporary custody shall contain a certificate signed by two  
1055 physicians licensed to practice medicine in this state stating that (A)  
1056 the minor child is in need of immediate medical or surgical treatment,  
1057 the delay of which would be life threatening, (B) the parent, parents or  
1058 guardian of the minor child refuses or is unable to consent to such  
1059 treatment, and (C) determination of the need for temporary custody  
1060 cannot await notice of hearing. Upon such application, the court may  
1061 grant immediate temporary custody to some suitable person if it finds  
1062 that (i) a minor child has suffered from serious physical illness or  
1063 serious physical injury [ ] and is in need of immediate medical or  
1064 surgical treatment, (ii) the parent, parents or guardian refuses to  
1065 consent to such treatment, and (iii) to delay such treatment would be  
1066 life threatening.

1067 (3) If an order of temporary custody is issued ex parte, notice of the  
 1068 hearing required by subsection (c) of this section shall be given  
 1069 promptly, and the hearing shall be held within five business days of  
 1070 the date of such ex parte order of temporary custody, provided the  
 1071 respondent shall be entitled to continuance upon request. Upon the  
 1072 issuance of an order granting temporary custody of the minor child to  
 1073 the Commissioner of Children and Families, or not later than sixty  
 1074 days after the issuance of such order, the court shall make a  
 1075 determination whether the Department of Children and Families made  
 1076 reasonable efforts to keep the minor child with his or her parent,  
 1077 parents or guardian prior to the issuance of such order and, if such  
 1078 efforts were not made, whether such reasonable efforts were not  
 1079 possible, taking into consideration the minor child's best interests,  
 1080 including the minor child's health and safety. Upon issuance of an ex  
 1081 parte order of temporary custody, the court shall promptly notify the  
 1082 Commissioner of Children and Families, who shall cause an  
 1083 investigation to be made forthwith, in accordance with section 17a-  
 1084 101g, and [who] shall present [his] the commissioner's report to the  
 1085 court at the hearing on the application for temporary custody. The  
 1086 hearing on an ex parte order of temporary custody shall not be  
 1087 postponed, except with the consent of the respondent, or, if notice  
 1088 cannot be given as required by this section, a postponement may be  
 1089 ordered by the court for the purpose of a further order of notice.

1090 (c) Except as provided in subsection (b) of this section, upon receipt  
 1091 of an application for temporary custody under this section, the court  
 1092 shall promptly set the time and place for hearing to be held on such  
 1093 application. The court shall order notice of the hearing on temporary  
 1094 custody to be given by regular mail to the Commissioner of Children  
 1095 and Families and by personal service in accordance with section 52-50  
 1096 to both parents and to the minor child, if over twelve years of age, at  
 1097 least five days prior to the date of the hearing, except that in lieu of  
 1098 personal service on a parent or the father of a minor child born out of  
 1099 wedlock who is either [a petitioner] an applicant or who signs under  
 1100 penalty of false statement a written waiver of personal service on a

1101 form provided by the Probate Court Administrator, the court may  
1102 order notice to be given by certified mail, return receipt requested,  
1103 deliverable to addressee only, at least five days prior to the date of the  
1104 hearing. If the whereabouts of the parents are unknown, or if such  
1105 delivery cannot reasonably be effected, then notice shall be ordered to  
1106 be given by publication. Such notice may be combined with the notice  
1107 under section 45a-609 or with the notice required under section  
1108 45a-716. If the parents are not residents of the state or are absent from  
1109 the state, the court shall order notice to be given by certified mail,  
1110 return receipt requested, deliverable to addressee only, at least five  
1111 days prior to the date of the hearing. If the whereabouts of the parents  
1112 are unknown, or if delivery cannot reasonably be effected, the court  
1113 may order notice to be given by publication. Any notice by publication  
1114 under this subsection shall be in a newspaper which has a circulation  
1115 at the last-known place of residence of the parents. In either case, such  
1116 notice shall be given at least five days prior to the date of the hearing,  
1117 except in the case of notice of hearing on immediate temporary  
1118 custody under subsection (b) of this section. If the applicant alleges  
1119 that the whereabouts of a respondent are unknown, such allegation  
1120 shall be made under penalty of false statement and shall also state the  
1121 last-known address of the respondent and the efforts which have been  
1122 made by the applicant to obtain a current address. The applicant shall  
1123 have the burden of ascertaining the names and addresses of all parties  
1124 in interest and of proving to the satisfaction of the court that he or she  
1125 used all proper diligence to discover such names and addresses.  
1126 Except in the case of newspaper notice, such notice shall include: (1)  
1127 The time and place of the hearing, (2) a copy of the application for  
1128 removal or application for termination of parental rights, (3) a copy of  
1129 the motion for temporary custody, (4) any affidavit or verified petition  
1130 filed with the motion for temporary custody, (5) any other documents  
1131 filed by the [petitioner] applicant, (6) any other orders or notices made  
1132 by the court of probate, and (7) any request for investigation by the  
1133 Department of Children and Families or any other person or agency.  
1134 Such notice shall also inform the respondent of the right to have an

1135 attorney represent him or her [.] and, if he or she is unable to obtain or  
1136 pay for an attorney, the respondent may request the court of probate to  
1137 appoint an attorney to represent him or her. Newspaper notice shall  
1138 include such facts as the court may direct.

1139 (d) If, after hearing, the court finds by a fair preponderance of the  
1140 evidence (1) that the parent or other guardian has performed acts of  
1141 omission or commission as set forth in section 45a-610, and (2) that,  
1142 because of such acts, the minor child is suffering from serious physical  
1143 illness [.] or serious physical injury, or the immediate threat thereof, or  
1144 is in immediate physical danger, so as to require that temporary  
1145 custody be granted, the court may order the custody of the minor child  
1146 to be given to one of the following, taking into consideration the  
1147 standards set forth in section 45a-617: (A) The Commissioner of  
1148 Children and Families; (B) the board of managers of any child-caring  
1149 institution or organization; [or] (C) any children's home or similar  
1150 institution licensed or approved by the Commissioner of Children and  
1151 Families; or (D) any other person. The fact that an order of temporary  
1152 custody may have been issued ex parte under subsection (b) of this  
1153 section shall be of no weight in a hearing held under this subsection.  
1154 The burden of proof shall remain upon the applicant to establish [his]  
1155 the applicant's case. The court may issue the order without taking into  
1156 consideration the standards set forth in this section and section 45a-610  
1157 [and in this section] if the parent or other guardian consents to the  
1158 [minor's] temporary removal of the minor child, or the court finds that  
1159 the minor child has no guardian of his or her person. Upon the  
1160 issuance of an order giving custody of the minor child to the  
1161 Commissioner of Children and Families, or not later than sixty days  
1162 after the issuance of such order, the court shall make a determination  
1163 whether the Department of Children and Families made reasonable  
1164 efforts to keep the minor child with his or her parent, parents or  
1165 guardian prior to the issuance of such order and, if such efforts were  
1166 not made, whether such reasonable efforts were not possible, taking  
1167 into consideration the minor child's best interests, including the minor  
1168 child's health and safety.

1169 (e) Such order for temporary custody shall be effective until  
1170 disposition of the application for removal of parents or guardians as  
1171 guardian or for termination of parental rights or until a guardian is  
1172 appointed for a minor child who has no guardian, unless modified or  
1173 terminated by the court of probate. Any respondent, temporary  
1174 custodian or attorney for the minor child may petition the court of  
1175 probate issuing such order at any time for modification or revocation  
1176 thereof, and such court shall set a hearing upon receipt of such petition  
1177 in the same manner as subsection (c) of this section. If the court finds  
1178 after such hearing that the conditions upon which it based its order for  
1179 temporary custody no longer exist, and that the conditions set forth in  
1180 subsection (b) of this section do not exist, then the order shall be  
1181 revoked and the minor child shall be returned to the custody of the  
1182 parent or guardian.

1183 (f) A copy of any order issued under this section shall be mailed  
1184 immediately to the last known address of the parent or other guardian  
1185 from whose custody the minor child has been removed.

1186 Sec. 32. Section 45a-610 of the general statutes, as amended by  
1187 section 28 of public act 01-195, is repealed and the following is  
1188 substituted in lieu thereof (*Effective from passage*):

1189 If the Court of Probate finds that notice has been given or a waiver  
1190 has been filed, as provided in section 45a-609, it may remove a parent  
1191 as guardian, if the court finds by clear and convincing evidence one of  
1192 the following: (1) The parent consents to his or her removal as  
1193 guardian; or (2) the minor child has been abandoned by the parent in  
1194 the sense that the parent has failed to maintain a reasonable degree of  
1195 interest, concern or responsibility for the [minor's] minor child's  
1196 welfare; or (3) the minor child has been denied the care, guidance or  
1197 control necessary for his or her physical, educational, moral or  
1198 emotional well-being, as a result of acts of parental commission or  
1199 omission, whether the acts are the result of the physical or mental  
1200 incapability of the parent or conditions attributable to parental habits,

1201 misconduct or neglect, and the parental acts or deficiencies support the  
 1202 conclusion that the parent cannot exercise, or should not in the best  
 1203 interests of the minor child be permitted to exercise, parental rights  
 1204 and duties at the time; or (4) the minor child has had physical injury or  
 1205 injuries inflicted upon the minor child by a person responsible for such  
 1206 child's health, welfare or care, or by a person given access to such child  
 1207 by such responsible person, other than by accidental means, or has  
 1208 injuries which are at variance with the history given of them or is in a  
 1209 condition which is the result of maltreatment such as, but not limited  
 1210 to, malnutrition, sexual molestation, deprivation of necessities,  
 1211 emotional maltreatment or cruel punishment; or (5) the minor child  
 1212 has been found to be neglected or uncared for, as defined in section  
 1213 46b-120. If, after removal of a parent as guardian under this section, the  
 1214 minor child has no guardian of his or her person, such a guardian may  
 1215 be appointed under the provisions of section 45a-616. Upon the  
 1216 issuance of an order appointing the Commissioner of Children and  
 1217 Families as guardian of the minor child, or not later than sixty days  
 1218 after the issuance of such order, the court shall make a determination  
 1219 whether the Department of Children and Families made reasonable  
 1220 efforts to keep the minor child with his or her parents prior to the  
 1221 issuance of such order and, if such efforts were not made, whether  
 1222 such reasonable efforts were not possible, taking into consideration the  
 1223 minor child's best interests, including the minor child's health and  
 1224 safety.

1225 Sec. 33. Section 17a-105 of the general statutes is repealed and the  
 1226 following is substituted in lieu thereof (*Effective from passage*):

1227 Whenever any person is arrested and charged with an offense under  
 1228 section 53-20 or 53-21 or under part V, VI or VII of chapter 952, the  
 1229 victim of which offense was a minor residing with the defendant, any  
 1230 judge of the Superior Court may, if it appears that the child's condition  
 1231 or circumstances surrounding [his] the child's case so require and that  
 1232 continuation in the home is contrary to the child's welfare, issue an  
 1233 order to the Commissioner of Children and Families to assume

1234 immediate custody of such child and, if the circumstances so require,  
1235 any other children residing with the defendant and to proceed thereon  
1236 as in cases reported under section 17a-101g. Upon the issuance of such  
1237 order, or not later than sixty days after the issuance of such order, the  
1238 court shall make a determination whether the Department of Children  
1239 and Families made reasonable efforts to keep the child with his or her  
1240 parents or guardian prior to the issuance of such order and, if such  
1241 efforts were not made, whether such reasonable efforts were not  
1242 possible, taking into consideration the child's best interests, including  
1243 the child's health and safety.

1244 Sec. 34. Section 17a-113 of the general statutes is repealed and the  
1245 following is substituted in lieu thereof (*Effective from passage*):

1246 When application has been made for the removal of one or both  
1247 parents as guardians or of any other guardian of the person of such  
1248 child, or when an application has been made for the termination of the  
1249 parental rights of any parties who may have parental rights with  
1250 regard to any minor child, the superior court in which such proceeding  
1251 is pending may, if it deems it necessary based on the best interests of  
1252 the child, order the custody of such child to be given to the  
1253 Commissioner of Children and Families or some proper person or to  
1254 the board of managers of any child-caring institution or organization,  
1255 or any children's home or similar institution licensed or approved by  
1256 the Commissioner of Children and Families, pending the  
1257 determination of the matter, and may enforce such order by a warrant  
1258 directed to a proper officer commanding [him] the officer to take  
1259 possession of the child and to deliver such child into the custody of the  
1260 person, board, home or institution designated by such order; and said  
1261 court may, if either or both parents are removed as guardians or if any  
1262 other guardian of the person is removed, or if said parental rights are  
1263 terminated, enforce its decree, awarding the custody of the child to the  
1264 person or persons entitled thereto, by a warrant directed to the proper  
1265 officer commanding [him] the officer to take possession of the child  
1266 and to deliver such child into the care and custody of the person

1267 entitled thereto. Such officer shall make returns to such court of [his]  
1268 such officer's doings under either warrant. Upon the issuance of such  
1269 order giving custody of the child to the Commissioner of Children and  
1270 Families, or not later than sixty days after the issuance of such order,  
1271 the court shall make a determination whether the Department of  
1272 Children and Families made reasonable efforts to keep the child with  
1273 his or her parents or guardian prior to the issuance of such order and,  
1274 if such efforts were not made, whether such reasonable efforts were  
1275 not possible, taking into consideration the child's best interests,  
1276 including the child's health and safety.

1277       Sec. 35. Section 46b-56 of the general statutes, as amended by section  
1278 12 of public act 01-186, is repealed and the following is substituted in  
1279 lieu thereof (*Effective from passage*):

1280       (a) In any controversy before the Superior Court as to the custody or  
1281 care of minor children, and at any time after the return day of any  
1282 complaint under section 46b-45, the court may at any time make or  
1283 modify any proper order regarding the education and support of the  
1284 children and of care, custody and visitation if it has jurisdiction under  
1285 the provisions of chapter 815o. Subject to the provisions of section 46b-  
1286 56a, the court may assign the custody of any child to the parents  
1287 jointly, to either parent or to a third party, according to its best  
1288 judgment upon the facts of the case and subject to such conditions and  
1289 limitations as it deems equitable. The court may also make any order  
1290 granting the right of visitation of any child to a third party, including  
1291 but not limited to, grandparents.

1292       (b) In making or modifying any order with respect to custody or  
1293 visitation, the court shall (1) be guided by the best interests of the  
1294 child, giving consideration to the wishes of the child if the child is of  
1295 sufficient age and capable of forming an intelligent preference,  
1296 provided in making the initial order the court may take into  
1297 consideration the causes for dissolution of the marriage or legal  
1298 separation if such causes are relevant in a determination of the best



1299 interests of the child, and (2) consider whether the party satisfactorily  
1300 completed participation in a parenting education program established  
1301 pursuant to section 46b-69b. Upon the issuance of any order assigning  
1302 custody of the child to the Commissioner of Children and Families, or  
1303 not later than sixty days after the issuance of such order, the court shall  
1304 make a determination whether the Department of Children and  
1305 Families made reasonable efforts to keep the child with his or her  
1306 parents prior to the issuance of such order and, if such efforts were not  
1307 made, whether such reasonable efforts were not possible, taking into  
1308 consideration the child's best interests, including the child's health and  
1309 safety.

1310 (c) In determining whether a child is in need of support and, if in  
1311 need, the respective abilities of the parents to provide support, the  
1312 court shall take into consideration all the factors enumerated in section  
1313 46b-84.

1314 (d) When the court is not sitting, any judge of the court may make  
1315 any order in the cause which the court might make under subsection  
1316 (a) of this section, including orders of injunction, prior to any action in  
1317 the cause by the court.

1318 (e) A parent not granted custody of a minor child shall not be  
1319 denied the right of access to the academic, medical, hospital or other  
1320 health records of such minor child unless otherwise ordered by the  
1321 court for good cause shown.

1322 (f) Notwithstanding the provisions of subsection (b) of this section,  
1323 when a motion for modification of custody or visitation is pending  
1324 before the court or has been decided by the court and the investigation  
1325 ordered by the court pursuant to section 46b-6 recommends  
1326 psychiatric or psychological therapy for a child, and such therapy  
1327 would, in the court's opinion, be in the best interests of the child and  
1328 aid the child's response to a modification, the court may order such  
1329 therapy and reserve judgment on the motion for modification.

1330 (g) As part of a decision concerning custody or visitation, the court  
 1331 may order either parent or both of the parents and any child of such  
 1332 parents to participate in counseling and drug or alcohol screening,  
 1333 provided such participation is in the best interest of the child.

1334 Sec. 36. (*Effective from passage*) Notwithstanding the provisions of  
 1335 subsection (a) of section 20-195dd of the general statutes, during the  
 1336 period commencing on the effective date of this section and ending  
 1337 thirty days after said effective date, an applicant for licensure as a  
 1338 professional counselor under chapter 383c of the general statutes, in  
 1339 lieu of the requirements set forth in said subsection, may submit  
 1340 evidence satisfactory to the Commissioner of Public Health of having:  
 1341 (1) Earned a master's degree in counseling prior to 1986 from a  
 1342 regionally accredited institution of higher education; and (2) practiced  
 1343 professional counseling for a minimum of fifteen years immediately  
 1344 preceding the date of application.

1345 Sec. 37. Section 17a-11 of the general statutes is repealed and the  
 1346 following is substituted in lieu thereof (*Effective from passage*):

1347 (a) The commissioner may, in [his] the commissioner's discretion,  
 1348 admit to the department on a voluntary basis any child or youth who,  
 1349 in [his] the commissioner's opinion, could benefit from any of the  
 1350 services offered or administered by, or under contract with, or  
 1351 otherwise available to, the department. Application for voluntary  
 1352 admission shall be made in writing by the parent or guardian of a child  
 1353 under fourteen years of age or by such person himself or herself if he  
 1354 or she is a child fourteen years of age or older or a youth.

1355 (b) A child or youth voluntarily admitted to the department shall be  
 1356 deemed to be within the care of the commissioner until such admission  
 1357 is terminated. The commissioner shall terminate the admission of any  
 1358 child or youth voluntarily admitted to the department within ten days  
 1359 after receipt of a written request for termination from a parent or  
 1360 guardian of any child under fourteen years of age or from a child if  
 1361 such child is fourteen years of age or [over] older, or youth, unless

1362 prior to the expiration of that time the commissioner has sought and  
1363 received from the Superior Court an order of temporary custody as  
1364 provided by law. The commissioner may terminate the admission of  
1365 any child or youth voluntarily admitted to the department after giving  
1366 reasonable notice in writing to the parent or guardian of any child  
1367 under fourteen years of age and to a child [over] fourteen years of age  
1368 or older, and to any youth. Any child or youth admitted voluntarily to  
1369 the department may be placed in, or transferred to, any resource,  
1370 facility or institution within the department or available to the  
1371 commissioner except the Connecticut Juvenile Training School,  
1372 provided the commissioner shall give written notice to such child or  
1373 youth and to the parent or guardian of the child of [his] the  
1374 commissioner's intention to make a transfer at least ten days prior to  
1375 any actual transfer, unless written notice is waived by those entitled to  
1376 receive it, or unless an emergency commitment of such child or youth  
1377 is made pursuant to section 17a-502.

1378 (c) Not more than one hundred twenty days after admitting a child  
1379 or youth on a voluntary basis, the department shall petition the  
1380 probate court for the district in which a parent or guardian of the child  
1381 or youth resides for a determination as to whether continuation in care  
1382 is in the child's or youth's best interest and, if so, whether there is an  
1383 appropriate [case service] permanency plan. Upon receipt of such  
1384 application, the court shall set a time and place for hearing to be held  
1385 within thirty days of receipt of the application, unless continued by the  
1386 court for cause shown. The court shall order notice of the hearing to be  
1387 given by regular mail at least five days prior to the hearing to the  
1388 Commissioner of Children and Families, and by certified mail, return  
1389 receipt requested, at least five days prior to the hearing to the parents  
1390 or guardian of the child and the minor, if over twelve years of age. If  
1391 the whereabouts of the parent or guardian are unknown, or if delivery  
1392 cannot reasonably be effected, then notice shall be ordered to be given  
1393 by publication. In making its determination, the court shall consider  
1394 the items specified in subsection (d) of this section. The court shall  
1395 possess continuing jurisdiction in proceedings under this section. [and

1396 shall conduct a further dispositional hearing whenever it deems  
1397 necessary or desirable, but at least every twelve months.]

1398 [(d) Not more than twelve months after a child or youth is admitted  
1399 to the department on a voluntary basis, the commissioner shall file a  
1400 motion in the probate court requesting a dispositional hearing on the  
1401 status of the child or youth. Upon receipt of such motion, the court  
1402 shall set a time and place for hearing to be held within thirty days of  
1403 receipt of the motion, unless continued by the court for cause shown.  
1404 The court shall order notice of the hearing to be given in accordance  
1405 with subsection (c) of this section. At the dispositional hearing, all  
1406 parties shall be heard and oral or written reports, containing  
1407 recommendations as to the best interests of the child or youth may be  
1408 presented. In determining its order of disposition, the court shall  
1409 consider among other things: (1) The appropriateness of the  
1410 department's plan for service to the child or youth and his family; (2)  
1411 the treatment and support services that have been offered and  
1412 provided to the child or youth to strengthen and reunite the family; (3)  
1413 if return home is not likely for the child or youth, the efforts that have  
1414 been made or should be made to evaluate and plan for other modes of  
1415 care; and (4) any further efforts which have been or will be made to  
1416 promote the best interests of the child or youth. At the conclusion of  
1417 the hearing, the court shall, in accordance with the best interests of the  
1418 child or youth, enter an appropriate order of disposition. The order  
1419 may: (A) Direct that the services being provided, or the placement of  
1420 the child or youth and reunification efforts, be continued if the court,  
1421 after hearing, determines that continuation of the child or youth in  
1422 services or placement is in the child or youth's best interests or (B)  
1423 direct that the child or youth's services or placement be modified to  
1424 reflect the child or youth's best interest.]

1425 (d) (1) Ten months after admitting a child or youth on a voluntary  
1426 basis and annually thereafter if the child or youth remains in the  
1427 custody of the commissioner, the commissioner shall file a motion for  
1428 review of a permanency plan. A hearing on such motion shall be held

1429 not later than thirty days after the filing of such motion. The court shall  
1430 provide notice to the child or youth and such child's or youth's parent  
1431 or guardian of the time and place of the hearing on such motion not  
1432 less than ten days prior to the date of such hearing.

1433 (2) At a permanency hearing held in accordance with the provisions  
1434 of subdivision (1) of this subsection, the court shall approve a  
1435 permanency plan that is in the best interests of the child or youth and  
1436 takes into consideration the child's or youth's need for permanency.  
1437 The health and safety of the child or youth shall be of paramount  
1438 concern in formulating such plan. At such hearing, the court shall  
1439 consider among other things: (A) The appropriateness of the  
1440 department's plan for service to the child or youth and his or her  
1441 family; (B) the treatment and support services that have been offered  
1442 and provided to the child or youth to strengthen and reunite the  
1443 family; (C) if return home is not likely for the child or youth, the efforts  
1444 that have been made or should be made to evaluate and plan for other  
1445 modes of care; and (D) any further efforts which have been or will be  
1446 made to promote the best interests of the child or youth.

1447 (3) The permanency plan pursuant to subdivision (2) of this  
1448 subsection may include the goal of (A) placement of the child or youth  
1449 with the parent or guardian, (B) transfer of guardianship, (C) long-  
1450 term foster care with a relative licensed as a foster parent or certified as  
1451 a relative caregiver, (D) termination of parental rights and adoption, or  
1452 (E) such other planned permanent living arrangement ordered by the  
1453 court provided the commissioner has documented a compelling reason  
1454 why it would not be in the best interest of the child or youth for the  
1455 permanency plan to include the goals in subparagraphs (A) to (D),  
1456 inclusive, of this subdivision. Such other planned permanent living  
1457 arrangement may include, but not be limited to, placement of a child  
1458 or youth in an independent living program or long-term foster care  
1459 with an identified foster parent.

1460 (4) At a permanency hearing, the court shall review the status of the

1461 child, the progress being made to implement the permanency plan,  
1462 determine a timetable for attaining the permanency prescribed by the  
1463 plan and determine whether the commissioner has made reasonable  
1464 efforts to achieve the permanency plan. At the conclusion of the  
1465 hearing, the court may: (A) Direct that the services being provided, or  
1466 the placement of the child or youth and reunification efforts, be  
1467 continued if the court, after hearing, determines that continuation of  
1468 the child or youth in services or placement is in the child or youth's  
1469 best interests, or (B) direct that the child or youth's services or  
1470 placement be modified to reflect the child or youth's best interest.

1471 (e) The commissioner shall adopt regulations in accordance with  
1472 chapter 54 describing the documentation required for voluntary  
1473 admission and for informal administrative case review, upon request,  
1474 of any denial of an application for voluntary admission.

1475 (f) Any person aggrieved by a decision of the commissioner denying  
1476 voluntary services may appeal such decision through an  
1477 administrative hearing held pursuant to chapter 54.

1478 (g) Notwithstanding any provision of sections 17a-1 to 17a-26,  
1479 inclusive, and 17a-28 to 17a-49, inclusive, to the contrary, any person  
1480 already under the care and supervision of the Commissioner of  
1481 Children and Families who has passed [his] such person's eighteenth  
1482 birthday but has not yet reached [his] such person's twenty-first  
1483 birthday, may be permitted to remain voluntarily under the  
1484 supervision of the commissioner, provided said commissioner, in [his]  
1485 said commissioner's discretion, determines that such person would  
1486 benefit from further care and support from the Department of  
1487 Children and Families.

1488 (h) Upon motion of any interested party in a Probate Court  
1489 proceeding under this section, the probate court of record may transfer  
1490 the file for cause shown to a probate court for a district other than the  
1491 district in which the initial or dispositional hearing was held. The file  
1492 shall be transferred by the Probate Court of record making copies of all

1493 recorded documents in the court file, certifying each of them, and  
1494 delivering the certified copies to the probate court to which the matter  
1495 is transferred.

1496 Sec. 38. (NEW) (*Effective October 1, 2002*) (a) For the purposes of this  
1497 section:

1498 (1) "Issuing agency" means an agency providing child support  
1499 enforcement services, as defined in subsection (b) of section 46b-231 of  
1500 the general statutes, and includes the Bureau of Child Support  
1501 Enforcement within the Department of Social Services and Support  
1502 Enforcement Services within Judicial Branch Court Operations; and

1503 (2) "NMSN" means the National Medical Support Notice required  
1504 under Title IV-D of the Social Security Act and the Employee  
1505 Retirement Income Security Act used by state child support agencies to  
1506 enforce health care coverage support provisions in child support  
1507 orders.

1508 (b) (1) Whenever a court or family support magistrate enters a  
1509 support order in a Title IV-D support case, as defined in subsection (b)  
1510 of section 46b-231 of the general statutes, that requires a noncustodial  
1511 parent to provide employment based health care coverage for a child,  
1512 and the noncustodial parent's employer is known to the issuing  
1513 agency, such agency shall enforce the health care coverage provisions  
1514 of the order through the use of a NMSN.

1515 (2) In addition to other notice and requirements contained therein,  
1516 the NMSN shall serve as notice to the employer that: (A) The employee  
1517 is obligated to provide employment based health care coverage for the  
1518 child; (B) the employer may be required to withhold any employee  
1519 contributions required by the group health plan or plans in which the  
1520 child is eligible to be enrolled; and (C) the employer is required to  
1521 forward the NMSN to the administrator of each group health plan  
1522 providing such coverage for enrollment determination purposes.

1523 (3) In addition to other notice requirements contained therein, the  
1524 NMSN shall serve as notice to the group health plan that: (A) Receipt  
1525 of the NMSN from an employer constitutes receipt of a medical  
1526 support order; and (B) an appropriately completed NMSN constitutes  
1527 a qualified medical child support order for health care coverage  
1528 enrollment purposes.

1529 (4) In any case in which the noncustodial parent is a newly hired  
1530 employee, the NMSN shall be transferred by the issuing agency to the  
1531 employer no later than two business days after the date of the entry of  
1532 the employee in the State Directory of New Hires established under  
1533 section 31-254 of the general statutes, together with any necessary  
1534 income withholding notice.

1535 (c) (1) An employer who receives a NMSN from the issuing agency  
1536 shall: (A) No later than twenty business days, after the date of NMSN,  
1537 either (i) return the notice to such agency indicating why the health  
1538 care coverage is not available, or (ii) transfer the notice to the  
1539 administrator of each appropriate group health plan for which the  
1540 child may be eligible; (B) upon notification from any such group health  
1541 plan that the child is eligible for enrollment, withhold from the  
1542 employee's income any employee contribution required under such  
1543 plan and send the withheld payments directly to the plan, except as  
1544 provided in subsection (d) of this section; and (C) notify the issuing  
1545 agency whenever the employee's employment terminates. (2) Any  
1546 employer who discharges an employee from employment, refuses to  
1547 employ, or takes disciplinary action against an employee because of a  
1548 medical child support withholding, or fails to withhold income or  
1549 transmit withheld income to the group health plan as required by the  
1550 NMSN shall be subject to the penalties related to employer processing  
1551 of child support income withholding, as provided in subsections (f)  
1552 and (j) of section 52-362 of the general statutes, as amended. (3) The  
1553 issuing agency shall notify the employer promptly when there is no  
1554 longer a current order for medical support.



1555 (d) The NMSN shall inform the employer of the duration of the  
1556 withholding requirement, of any limitations on withholding  
1557 prescribed by federal or state law, and of any withholding priorities  
1558 that apply when available income is insufficient to satisfy all cash and  
1559 medical support obligations. The employer shall notify the issuing  
1560 agency when any such withholding limitations or priorities prevent  
1561 the employer from withholding the amount required to obtain  
1562 coverage under the group health plan for which the child is otherwise  
1563 eligible.

1564 (e) (1) The administrator of a group health plan who receives a  
1565 NMSN from an employer pursuant to subsection (c) of this section  
1566 shall deem the NMSN to be a "qualified medical child support order"  
1567 and an application by the issuing agency for enrollment of the child.  
1568 Enrollment of the child may not be denied because the child: (A) Was  
1569 born out of wedlock, (B) is not claimed as a dependent on the  
1570 participant's federal income tax return, (C) does not reside with the  
1571 participant or in the plan's service area, or (D) is receiving benefits or is  
1572 eligible for benefits under a state medical assistance plan required by  
1573 the Social Security Act. An enrollment shall be made without regard to  
1574 open season enrollment restrictions, and if enrollment of a child is  
1575 dependent on the enrollment of a participant who is not enrolled, both  
1576 the child and the participant shall be enrolled. (2) No later than forty  
1577 business days after the date of the NMSN the plan administrator shall  
1578 notify the issuing agency whether coverage is available or, if necessary,  
1579 of the steps to be taken to begin such coverage. The administrator shall  
1580 also provide to the custodial parent a description of the coverage  
1581 available and of any forms or documents necessary to begin coverage.  
1582 The issuing agency, in consultation with the custodial parent, shall  
1583 promptly select from any available plan options when necessary. Upon  
1584 completion of enrollment, the group health plan administrator shall  
1585 return the NMSN to the employer for a determination of whether any  
1586 necessary employee contributions are available.

1587 (f) A NMSN issued pursuant to this section shall be deemed part of

1588 the court order requiring employment based health care coverage. The  
1589 NMSN shall have the same force and effect as a court order directed to  
1590 an employer or group health plan administrator and may be enforced  
1591 by the court or family support magistrate in the same manner as an  
1592 order of the court or family support magistrate. The requirements  
1593 imposed on employers and group health plan administrators under  
1594 this section and the NMSN shall be in addition to any requirements  
1595 imposed on said employer or administrator under other provisions of  
1596 the general statutes.

1597       Sec. 39. (*Effective from passage*) Notwithstanding the provisions of  
1598 subsection (a) of section 20-195dd of the general statutes, during the  
1599 period commencing on the effective date of this section and ending  
1600 thirty days after said effective date, an applicant for licensure as a  
1601 professional counselor under chapter 383c of the general statutes, in  
1602 lieu of the requirements set forth in said subsection, may submit  
1603 evidence satisfactory to the Commissioner of Public Health of having:  
1604 (1) Earned a master's degree in education or community leadership; (2)  
1605 passed the national counselor examination offered by the National  
1606 Board for Certified Counselors prior to December 31, 2001; and (3)  
1607 practiced professional counseling for a minimum of ten years within  
1608 the twelve-year period immediately preceding the date of application.

1609       Sec. 40. Subdivision (2) of subsection (a) of section 17b-745 of the  
1610 general statutes is repealed and the following is substituted in lieu  
1611 thereof (*Effective October 1, 2002*):

1612       (2) (A) The court or family support magistrate shall include in each  
1613 support order in a IV-D support case a provision for the health care  
1614 coverage of the child which provision may include an order for either  
1615 parent to name any child under eighteen as a beneficiary of any  
1616 medical or dental insurance or benefit plan carried by such parent or  
1617 available to such parent on a group basis through an employer or a  
1618 union. Any such employment based order shall be enforced using a  
1619 National Medical Support Notice as provided in section 38 of this act.

1620 If such insurance coverage is unavailable at reasonable cost, the  
1621 provision for health care coverage may include an order for either  
1622 parent to apply for and maintain coverage on behalf of the child under  
1623 the HUSKY Plan, Part B. The noncustodial parent shall be ordered to  
1624 apply for the HUSKY Plan, Part B only if such parent is found to have  
1625 sufficient ability to pay the appropriate premium. In any IV-D support  
1626 case in which the noncustodial parent is found to have insufficient  
1627 ability to provide medical insurance coverage and the custodial party  
1628 is the HUSKY Plan, Part A or Part B applicant, the provision for health  
1629 care coverage may include an order for the noncustodial parent to pay  
1630 such amount as is specified by the court or family support magistrate  
1631 to the state or the custodial party, as their interests may appear, to  
1632 offset the cost of any insurance payable under the HUSKY Plan, Part A  
1633 or Part B. In no event may such order include payment to offset the  
1634 cost of any such premium if such payment would reduce the amount  
1635 of current support required under the child support guidelines.

1636 [(B) When a parent is ordered to provide insurance coverage in  
1637 accordance with subparagraph (A) of this subdivision, the court or  
1638 family support magistrate shall order the employer of such parent to  
1639 withhold from such employee's compensation the employee's share, if  
1640 any, of premiums for health coverage, except for certain circumstances  
1641 under which an employer may withhold less than such employee's  
1642 share of such premiums, as may be provided by regulation of the  
1643 Secretary of the United States Department of Health and Human  
1644 Services and pay such share of premiums to the insurer. The amount  
1645 withheld shall not exceed the maximum amount permitted to be  
1646 withheld as set forth in 15 USC 1673(b).]

1647 (B) Whenever an order of the Superior Court or family support  
1648 magistrate is issued against a parent to cover the cost of such medical  
1649 or dental insurance or benefit plan for a child who is eligible for  
1650 Medicaid benefits, and such parent has received payment from a third  
1651 party for the costs of such services but such parent has not used such  
1652 payment to reimburse, as appropriate, either the other parent or

guardian or the provider of such services, the Department of Social Services shall have the authority to request the court or family support magistrate to order the employer of such parent to withhold from the wages, salary or other employment income, of such parent to the extent necessary to reimburse the Department of Social Services for expenditures for such costs under the Medicaid program. However, any claims for current or past due child support shall take priority over any such claims for the costs of such services.

Sec. 41. Section 38a-497a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2002*):

(a) As used in this section (1) "insurer" shall have the same meaning as "insurer", as defined in 42 USC S 1396g-1(b), as including a group health plan, as defined in 29 USC S 1167(1), an employee welfare benefit plan providing medical care to participants or beneficiaries directly or through insurance reimbursement, or otherwise, a health maintenance organization and an entity offering a service benefit plan, and (2) "NMSN" means a National Medical Support Notice issued in a Title IV-D support case pursuant to section 38 of this act.

(b) If a child has health insurance coverage through an insurer of a noncustodial parent, such insurer shall: (1) Provide such information to the custodial parent as may be necessary for the child to obtain benefits through such coverage; (2) permit the custodial parent, or the health care provider, with the custodial parent's approval, to submit claims for covered services without the approval of the noncustodial parent; [and] (3) make payments on claims submitted in accordance with this section directly to the custodial parent, the health care provider or the Department of Social Services; and (4) comply with the terms of any applicable NMSN.

(c) An insurer shall not deny enrollment of a child under the group health plan of the child's parent if: (1) The child was born out of wedlock, provided the father of the child has acknowledged paternity pursuant to section 46b-172, as amended, or has been adjudicated the

1685 father pursuant to section 46b-171; (2) the child is not claimed as a  
1686 dependent on the federal income tax return of the parent; [or] (3) the  
1687 child does not reside with the parent or in the insurer's service area; or  
1688 (4) if the child is receiving, or is eligible for benefits under a state  
1689 medical assistance plan required by the Social Security Act.

1690 (d) If a parent is required by a court or family support magistrate to  
1691 provide health coverage for a child, and the parent is eligible for family  
1692 health coverage, the insurer shall permit the parent to enroll, or shall  
1693 enroll pursuant to any applicable NMSN, under the family coverage, a  
1694 child who is otherwise eligible for such coverage without regard to any  
1695 open enrollment restrictions. If enrollment of a child is dependent on  
1696 the enrollment of a participant who is not enrolled, both the child and  
1697 the participant shall be enrolled. If the parent is enrolled for coverage  
1698 but fails to make application to obtain coverage for a child, the insurer  
1699 shall enroll such child under family coverage upon application of such  
1700 child's other parent, the state agency administering the Medicaid  
1701 program or the state agency administering Title IV-D of the Social  
1702 Security Act, or upon receipt of a NMSN, as provided in section 38 of  
1703 this act. The insurer shall not disenroll or eliminate coverage of such  
1704 child unless the insurer is provided with satisfactory written evidence  
1705 that the court or administrative order is no longer in effect or the child  
1706 is enrolled or shall be enrolled in comparable health coverage through  
1707 another insurer which shall take effect no later than the effective date  
1708 of such disenrollment, or the employer eliminates family health  
1709 coverage for all its employees.

1710 (e) If a parent is required by a court or an administrative order to  
1711 provide health coverage for a child and the parent is eligible for family  
1712 health coverage through an employer doing business in the state, such  
1713 employer shall permit such parent to enroll such child under such  
1714 coverage without regard to any open enrollment restrictions. If a  
1715 parent is enrolled but fails to make application to obtain coverage of a  
1716 child, the employer shall enroll such child under health care coverage  
1717 upon application by the child's other parent or by the Commissioner of

1718 Social Services, or his designee, when such child is eligible under the  
 1719 Medicaid program or is receiving child support enforcement services  
 1720 pursuant to Title IV-D of the Social Security Act. A NMSN shall  
 1721 constitute an application for health care coverage by the issuing  
 1722 agency. If a noncustodial parent in a IV-D case provides such coverage  
 1723 and changes employment, and the new employer provides health care  
 1724 coverage, the IV-D agency or an agency under cooperative agreement  
 1725 therewith shall transfer notice of the provision for health care coverage  
 1726 to such new employer, as provided in section 38 of this act. The notice  
 1727 shall operate to enroll the child in the noncustodial parent's health care  
 1728 plan if that portion of the obligor's income which is subject to  
 1729 withholding pursuant to subsection (e) of section 52-362, as amended,  
 1730 is sufficient to cover both the support order and health care coverage.  
 1731 At the time notice is transferred to the employer, the IV-D agency, or  
 1732 an agency under cooperative agreement therewith, shall also cause a  
 1733 copy of the notice of such transfer of health care coverage to be  
 1734 delivered to the obligor and to the custodial parent. The noncustodial  
 1735 parent may contest such notice by filing a motion for modification with  
 1736 the family support magistrate. An employer, subject to the provisions  
 1737 of this section, shall not disenroll or eliminate coverage of any such  
 1738 child unless the employer is provided satisfactory written evidence  
 1739 that: (1) A court or an administrative order for health care coverage is  
 1740 no longer in effect; (2) the child is or shall be enrolled in comparable  
 1741 health care coverage which shall take effect not later than the effective  
 1742 date of such disenrollment or elimination; or (3) the employer has  
 1743 eliminated family health care coverage for all of its employees.

1744 Sec. 42. Subsection (f) of section 46b-84 of the general statutes is  
 1745 repealed and the following is substituted in lieu thereof (*Effective*  
 1746 *October 1, 2002*):

1747 (f) After the granting of a decree annulling or dissolving the  
 1748 marriage or ordering a legal separation, and upon complaint or motion  
 1749 with order and summons made to the Superior Court by either parent  
 1750 or by the Commissioner of Administrative Services in any case arising

1751 under subsection (a) or (b) of this section, the court shall inquire into  
1752 the child's need of maintenance and the respective abilities of the  
1753 parents to supply maintenance. The court shall make and enforce the  
1754 decree for the maintenance of the child as it considers just, and may  
1755 direct security to be given therefor, including an order to either party  
1756 to contract with a third party for periodic payments or payments  
1757 contingent on a life to the other party. The court shall include in each  
1758 support order a provision for the health care coverage of the child  
1759 which provision may include an order for either parent to name any  
1760 child who is subject to the provisions of subsection (a) or (b) of this  
1761 section as a beneficiary of any medical or dental insurance or benefit  
1762 plan carried by such parent or available to such parent on a group  
1763 basis through an employer or a union. Any such employment based  
1764 order in a IV-D support case shall be enforced using a National  
1765 Medical Support Notice as provided in section 38 of this act. If such  
1766 insurance coverage is unavailable at reasonable cost, the provision for  
1767 health care coverage may include an order for either parent to apply  
1768 for and maintain coverage on behalf of the child under the HUSKY  
1769 Plan, Part B. The noncustodial parent shall be ordered to apply for the  
1770 HUSKY Plan, Part B only if such parent is found to have sufficient  
1771 ability to pay the appropriate premium. In any IV-D support case in  
1772 which the noncustodial parent is found to have insufficient ability to  
1773 provide medical insurance coverage and the custodial party is the  
1774 HUSKY Plan, Part A or Part B applicant, the provision for health care  
1775 coverage may include an order for the noncustodial parent to pay such  
1776 amount as is specified by the court or family support magistrate to the  
1777 state or the custodial party, as their interests may appear, to offset the  
1778 cost of any insurance payable under the HUSKY Plan, Part A or Part B.  
1779 In no event may such order include payment to offset the cost of any  
1780 such premium if such payment would reduce the amount of current  
1781 support required under the child support guidelines.

1782 Sec. 43. Subdivision (2) of subsection (a) of section 46b-171 of the  
1783 general statutes is repealed and the following is substituted in lieu  
1784 thereof (*Effective October 1, 2002*):

1785 (2) In addition, the court or family support magistrate shall include  
 1786 in each support order in a IV-D support case a provision for the health  
 1787 care coverage of the child which provision may include an order for  
 1788 either parent to name any child under the age of eighteen years as a  
 1789 beneficiary of any medical or dental insurance or benefit plan carried  
 1790 by such parent or available to such parent on a group basis through an  
 1791 employer or union. Any such employment based order shall be  
 1792 enforced using a National Medical Support Notice as provided in  
 1793 section 38 of this act. If such insurance coverage is unavailable at  
 1794 reasonable cost, the provision for health care coverage may include an  
 1795 order for either parent to apply for and maintain coverage on behalf of  
 1796 the child under the HUSKY Plan, Part B. The noncustodial parent shall  
 1797 be ordered to apply for the HUSKY Plan, Part B only if such parent is  
 1798 found to have sufficient ability to pay the appropriate premium. In any  
 1799 IV-D support case in which the noncustodial parent is found to have  
 1800 insufficient ability to provide medical insurance coverage and the  
 1801 custodial party is the HUSKY Plan, Part A or Part B applicant, the  
 1802 provision for health care coverage may include an order for the  
 1803 noncustodial parent to pay such amount as is specified by the court or  
 1804 family support magistrate to the state or the custodial party, as their  
 1805 interests may appear, to offset the cost of any insurance payable under  
 1806 the HUSKY Plan, Part A or Part B. In no event may such order include  
 1807 payment to offset the cost of any such premium if such payment  
 1808 would reduce the amount of current support required under the child  
 1809 support guidelines.

1810 Sec. 44. Subdivision (2) of subsection (a) of section 46b-215 of the  
 1811 general statutes is repealed and the following is substituted in lieu  
 1812 thereof (*Effective October 1, 2002*):

1813 (2) Any such support order in a IV-D support case shall include a  
 1814 provision for the health care coverage of the child which provision  
 1815 may include an order for either parent to name any child under  
 1816 eighteen as a beneficiary of any medical or dental insurance or benefit  
 1817 plan carried by such parent or available to such parent on a group



1818 basis through an employer or a union. Any such employment based  
1819 order shall be enforced using a National Medical Support Notice as  
1820 provided in section 38 of this act. If such insurance coverage is  
1821 unavailable at reasonable cost, the provision for health care coverage  
1822 may include an order for either parent to apply for and maintain  
1823 coverage on behalf of the child under the HUSKY Plan, Part B. The  
1824 noncustodial parent shall be ordered to apply for the HUSKY Plan,  
1825 Part B only if such parent is found to have sufficient ability to pay the  
1826 appropriate premium. In any IV-D support case in which the  
1827 noncustodial parent is found to have insufficient ability to provide  
1828 medical insurance coverage and the custodial party is the HUSKY  
1829 Plan, Part A or Part B applicant, the provision for health care coverage  
1830 may include an order for the noncustodial parent to pay such amount  
1831 as is specified by the court or family support magistrate to the state or  
1832 the custodial party, as their interests may appear, to offset the cost of  
1833 any insurance payable under the HUSKY Plan, Part A or Part B. In no  
1834 event may such order include payment to offset the cost of any such  
1835 premium if such payment would reduce the amount of current  
1836 support required under the child support guidelines.

1837 Sec. 45. (*Effective from passage*) Notwithstanding the provisions of  
1838 subsection (a) of section 20-195dd of the general statutes, during the  
1839 period commencing on the effective date of this section and ending  
1840 thirty days after said effective date, an applicant for licensure as a  
1841 professional counselor under chapter 383c of the general statutes, in  
1842 lieu of the requirements set forth in said subsection, may submit  
1843 evidence satisfactory to the Commissioner of Public Health of having:  
1844 (1) Earned a master's degree in education with a major in  
1845 psychological counseling prior to 1975 from a regionally accredited  
1846 institution of higher education; (2) passed the examination offered by  
1847 the National Association of Certified Mental Health Counselors; (3)  
1848 current certification with the National Association for Certified Mental  
1849 Health Counselors; and (4) practiced professional counseling for a  
1850 minimum of ten years within the twenty-year period immediately  
1851 preceding the date of application.

1852       Sec. 46. Subsection (a) of section 17b-346 of the general statutes is  
1853       repealed and the following is substituted in lieu thereof (*Effective from*  
1854       *passage*):

1855       (a) Effective October 1, 1991, every chronic and convalescent  
1856       nursing home, except those restricted to use by patients with acquired  
1857       immune deficiency syndrome, chronic disease hospital associated with  
1858       a chronic and convalescent nursing home, and rest home with nursing  
1859       supervision, that participates in the medical assistance program  
1860       provided in Title XIX of the Social Security Act shall, as a condition of  
1861       participation in said program, if eligible, maintain or execute a  
1862       provider agreement with the Secretary of Health and Human Services  
1863       to participate in the Medicare program under Title XVIII of the Social  
1864       Security Act to the same extent that the facility participates in the Title  
1865       XIX medical assistance program. [However, such facility may seek the  
1866       approval of the Department of Social Services to have a larger portion  
1867       of its facility certified for the Title XIX medical assistance program than  
1868       for the Title XVIII Medicare program if the facility is certified for a  
1869       distinct part pursuant to the Title XVIII Medicare program and the  
1870       facility demonstrates to the satisfaction of the department that the  
1871       number of beds in the distinct part will be adequate to ensure access to  
1872       Title XVIII Medicare certified beds to all eligible Title XVIII recipients  
1873       who might reasonably be expected to seek admission to, or return to,  
1874       such facility.]

1875       Sec. 47. Subdivision (9) of section 19a-177 of the general statutes, as  
1876       amended by section 51 of public act 01-4 of the June special session, is  
1877       repealed and the following is substituted in lieu thereof (*Effective from*  
1878       *passage*):

1879       (9) (A) Establish rates for the conveyance of patients by licensed  
1880       ambulance services and invalid coaches and establish emergency  
1881       service rates for certified ambulance services, provided (i) the present  
1882       rates established for such services and vehicles shall remain in effect  
1883       until such time as the commissioner establishes a new rate schedule as

1884 provided in this subdivision, and (ii) any rate increase not in excess of  
1885 the [National Health Care Inflation Rate Index] Medical Care Services  
1886 Consumer Price Index, as published by the Bureau of Labor Statistics  
1887 of the United States Department of Labor, for the prior year, filed in  
1888 accordance with subparagraph (B)(iii) of this subdivision shall be  
1889 deemed approved by the commissioner; [and] (B) adopt regulations, in  
1890 accordance with the provisions of chapter 54, establishing methods for  
1891 setting rates and conditions for charging such rates. Such regulations  
1892 shall include, but not be limited to, provisions requiring that on and  
1893 after July 1, 2000: (i) Requests for rate increases may be filed no more  
1894 frequently than once a year; (ii) only licensed ambulance services and  
1895 certified ambulance services that apply for a rate increase in excess of  
1896 the [National Health Care Inflation Index] Medical Care Services  
1897 Consumer Price Index, as published by the Bureau of Labor Statistics  
1898 of the United States Department of Labor, for the prior year, and do  
1899 not accept the maximum allowable rates contained in any voluntary  
1900 state-wide rate schedule established by the commissioner for the rate  
1901 application year shall be required to file detailed financial information  
1902 with the commissioner, provided any hearing that the commissioner  
1903 may hold concerning such application shall be conducted as a  
1904 contested case in accordance with chapter 54; (iii) licensed ambulance  
1905 services and certified ambulance services that do not apply for a rate  
1906 increase in any year in excess of the [National Health Care Inflation  
1907 Index] Medical Care Services Consumer Price Index, as published by  
1908 the Bureau of Labor Statistics of the United States Department of  
1909 Labor, for the prior year, or that accept the maximum allowable rates  
1910 contained in any voluntary state-wide rate schedule established by the  
1911 commissioner for the rate application year shall, not later than July  
1912 fifteenth of such year, file with the commissioner either an audited  
1913 financial statement or an accountant's review report pertaining to the  
1914 most recently completed fiscal year of the licensed ambulance service  
1915 or certified ambulance service, including total revenue and total  
1916 expenses, a statement of emergency and nonemergency call volume,  
1917 and, in the case of a licensed ambulance service or certified ambulance

1918 service that is not applying for a rate increase, a written declaration by  
 1919 such licensed ambulance service or certified ambulance service that no  
 1920 change in its currently approved maximum allowable rates will occur  
 1921 for the rate application year; and (iv) detailed financial and operational  
 1922 information filed by licensed ambulance services and certified  
 1923 ambulance services to support a request for a rate increase in excess of  
 1924 the [National Health Care Inflation Index] Medical Care Services  
 1925 Consumer Price Index, as published by the Bureau of Labor Statistics  
 1926 of the United States Department of Labor, for the prior year, shall  
 1927 cover the time period pertaining to the most recently completed fiscal  
 1928 year and the rate application year of the licensed ambulance service or  
 1929 certified ambulance service; and (C) establish rates for licensed  
 1930 ambulance services and certified ambulance services for the following  
 1931 services and conditions: (i) "Advanced Life Support assessment" and  
 1932 "Specialty Care Transports", which terms shall have the meaning  
 1933 provided in 42 CFR 414.605; and (ii) intra-municipality mileage, which  
 1934 means mileage for an ambulance transport when the point of origin  
 1935 and final destination for a transport is within the boundaries of the  
 1936 same municipality. The rates established by the commissioner for each  
 1937 such service or condition shall be equal to (I) the ambulance service's  
 1938 base rate plus its established Advanced Life Support/Paramedic  
 1939 surcharge when Advanced Life Support assessment services are  
 1940 performed; (II) two hundred twenty-five per cent of the ambulance  
 1941 service's established base rate for Specialty Care Transports; and (III)  
 1942 "loaded mileage", as the term is defined in 42 CFR 414.605, multiplied  
 1943 by the ambulance service's established rate for intra-municipality  
 1944 mileage. Such rates shall remain in effect until such time as the  
 1945 commissioner establishes a new rate schedule as provided in this  
 1946 subdivision.

1947 Sec. 48. Section 8 of public act 01-2 of the June special session is  
 1948 repealed and the following is substituted in lieu thereof (*Effective from*  
 1949 *passage*):

1950 The Commissioner of Social Services [shall seek a waiver from

1951 federal law to provide coverage] may authorize payment for used  
1952 durable medical equipment to a vendor or supplier of durable medical  
1953 equipment enrolled as a medical equipment, devices and supplies  
1954 provider under the Medicaid program.

1955 Sec. 49. Section 17b-256 of the general statutes, as amended by  
1956 section 9 of public act 01-4 of the June special session, is repealed and  
1957 the following is substituted in lieu thereof (*Effective from passage*):

1958 The Commissioner of Social Services may administer, within  
1959 available appropriations, a program providing payment for the cost of  
1960 drugs prescribed by a physician for the prevention or treatment of  
1961 acquired immunodeficiency syndrome (AIDS) or human  
1962 immunodeficiency virus (HIV infection). The commissioner shall  
1963 determine specific drugs to be covered and may implement a  
1964 pharmacy lock-in procedure for the program. The commissioner shall  
1965 adopt regulations, in accordance with the provisions of chapter 54, to  
1966 carry out the purposes of this section. The commissioner may  
1967 implement the program while in the process of adopting regulations,  
1968 provided notice of intent to adopt the regulations is published in the  
1969 Connecticut Law Journal within twenty days of implementation. The  
1970 regulations may include eligibility for all persons with AIDS or HIV  
1971 infection whose income is below four hundred per cent of the federal  
1972 poverty level. The commissioner [may] shall, within available  
1973 [appropriations] federal resources, purchase and maintain insurance  
1974 policies for eligible clients, including, but not limited to, coverage of  
1975 costs associated with such policies, that provide a full range of HIV  
1976 treatments and access to comprehensive primary care services as  
1977 determined by the commissioner and as provided by federal law, and  
1978 may provide payment, determined by the commissioner, for (1) drugs  
1979 and nutritional supplements prescribed by a physician that prevent or  
1980 treat opportunistic diseases and conditions associated with AIDS or  
1981 HIV infection; (2) ancillary supplies related to the administration of  
1982 such drugs; and (3) laboratory tests ordered by a physician.

1983        Sec. 50. Section 17b-274 of the general statutes is repealed and the  
1984        following is substituted in lieu thereof (*Effective from passage*):

1985        [(a) The Commissioner of Social Services shall pay a pharmacist a  
1986        professional dispensing fee of fifty cents per prescription, in addition  
1987        to any other dispensing fee, for substituting a generically equivalent  
1988        drug product, in accordance with section 20-619, for the drug  
1989        prescribed by the licensed practitioner for a Medicaid recipient,  
1990        provided the substitution is not required by federal law or regulation.]

1991        [(b)] (a) The Division of Criminal Justice shall periodically  
1992        investigate pharmacies to ensure that the state is not billed for a brand  
1993        name drug product when a less expensive generic substitute drug  
1994        product is dispensed to a Medicaid recipient. The Commissioner of  
1995        Social Services shall cooperate and provide information as requested  
1996        by such division.

1997        [(c)] (b) A licensed medical practitioner may specify in writing or by  
1998        a telephonic or electronic communication that there shall be no  
1999        substitution for the specified brand name drug product in any  
2000        prescription for a Medicaid, state-administered general assistance,  
2001        general assistance or ConnPACE recipient, provided (1) the  
2002        practitioner specifies the basis on which the brand name drug product  
2003        and dosage form is medically necessary in comparison to a chemically  
2004        equivalent generic drug product substitution, and (2) the phrase  
2005        "brand medically necessary" shall be in the practitioner's handwriting  
2006        on the prescription form or, if the prohibition was communicated by  
2007        telephonic communication, in the pharmacist's handwriting on such  
2008        form, and shall not be preprinted or stamped or initialed on such form.  
2009        If the practitioner specifies by telephonic communication that there  
2010        shall be no substitution for the specified brand name drug product in  
2011        any prescription for a Medicaid, state-administered general assistance,  
2012        general assistance or ConnPACE recipient, written certification in the  
2013        practitioner's handwriting bearing the phrase "brand medically  
2014        necessary" shall be sent to the dispensing pharmacy within ten days. A

2015 pharmacist shall dispense a generically equivalent drug product for  
2016 any drug listed in accordance with the Code of Federal Regulations  
2017 Title 42 Part 447.332 for a drug prescribed for a Medicaid, state-  
2018 administered general assistance, general assistance or ConnPACE  
2019 recipient unless the phrase "brand medically necessary" is ordered in  
2020 accordance with this subsection and such pharmacist has received  
2021 approval to dispense the brand name drug product in accordance with  
2022 subsection [(d)] (c) of this section.

2023 [(d)] (c) The Commissioner of Social Services shall [establish]  
2024 implement a procedure by which a pharmacist shall obtain approval  
2025 from an independent pharmacy consultant acting on behalf of the  
2026 Department of Social Services, under an administrative services only  
2027 contract, whenever the pharmacist dispenses a brand name drug  
2028 product to a Medicaid, state-administered general assistance, general  
2029 assistance or ConnPACE recipient and a chemically equivalent generic  
2030 drug product substitution is available, provided such procedure shall  
2031 not require approval for other than initial prescriptions for such drug  
2032 product. If such approval is not granted or denied within two hours of  
2033 receipt by the commissioner of the request for approval, it shall be  
2034 deemed granted. Notwithstanding any provision of this section, a  
2035 pharmacist shall not dispense any initial maintenance drug  
2036 prescription for which there is a chemically equivalent generic  
2037 substitution that is for less than fifteen days without the department's  
2038 granting of prior authorization, provided prior authorization shall not  
2039 otherwise be required for atypical antipsychotic drugs if the individual  
2040 is currently taking such drug at the time the pharmacist receives the  
2041 prescription. The pharmacist may appeal a denial of reimbursement to  
2042 the department based on the failure of such pharmacist to substitute a  
2043 generic drug product in accordance with this section.

2044 [(e)] (d) A licensed medical practitioner shall disclose to the  
2045 Department of Social Services or such consultant, upon request, the  
2046 basis on which the brand name drug product and dosage form is  
2047 medically necessary in comparison to a chemically equivalent generic

2048 drug product substitution. The Commissioner of Social Services shall  
2049 establish a procedure by which such a practitioner may appeal a  
2050 determination that a chemically equivalent generic drug product  
2051 substitution is required for a Medicaid, state-administered general  
2052 assistance, general assistance or ConnPACE recipient.

2053       Sec. 51. (NEW) (*Effective from passage*) The Office of Policy and  
2054 Management, within existing budgetary resources and in consultation  
2055 with the Select Committee on Aging, the Commission on Aging and  
2056 the Long-Term Care Advisory Council, shall develop a single  
2057 consumer-oriented Internet website that provides comprehensive  
2058 information on long-term care options that are available in  
2059 Connecticut. The website shall also include direct links and referral  
2060 information regarding long-term care resources, including private and  
2061 nonprofit organizations offering advice, counseling and legal services.

2062       Sec. 52. Subsection (h) of section 121 of public act 02-1 of the May 9  
2063 special session is repealed and the following is substituted in lieu  
2064 thereof (*Effective from passage*):

2065       (h) The committee shall ensure that the pharmaceutical  
2066 manufacturers agreeing to provide a supplemental rebate pursuant to  
2067 42 USC 1396r-8(c) have an opportunity to present evidence supporting  
2068 inclusion of a product on the preferred drug list unless a court of  
2069 competent jurisdiction, in a final decision, determines that the  
2070 Secretary of Health and Human Services does not have authority to  
2071 allow such supplemental rebates; provided the inability to utilize  
2072 supplemental rebates pursuant to this subsection shall not impair the  
2073 committee's authority to maintain a preferred drug list. Upon timely  
2074 notice, the department shall ensure that any drug that has been  
2075 approved or had any of its particular uses approved by the United  
2076 States Food and Drug Administration under a priority review  
2077 classification, will be reviewed by the Medicaid Pharmaceutical and  
2078 Therapeutics Committee at the next regularly scheduled meeting. To  
2079 the extent feasible, upon notice by a pharmaceutical manufacturer, the



2080 department shall also schedule a product review for any new product  
2081 at the next regularly scheduled meeting of the Medicaid  
2082 Pharmaceutical and Therapeutics Committee.

2083 Sec. 53. Section 118 of public act 02-1 of the May 9 special session is  
2084 repealed and the following is substituted in lieu thereof (*Effective from*  
2085 *passage*):

2086 The Commissioner of Social Services may establish maximum  
2087 allowable costs to be paid under the Medicaid, state-administered  
2088 general assistance, general assistance, ConnPACE and Connecticut  
2089 AIDS drug assistance programs for generic prescription drugs based  
2090 on, but not limited to, actual acquisition costs. The department shall  
2091 implement and maintain a procedure to review and update the  
2092 maximum allowable cost list at least annually, and shall report  
2093 annually to the joint standing committee of the General Assembly  
2094 having cognizance of matters relating to appropriations and the  
2095 budgets of state agencies on its activities pursuant to this section.

2096 Sec. 54. (NEW) (*Effective from passage*) Effective April 1, 2003, the  
2097 Commissioner of Social Services shall, within available Medicaid  
2098 appropriations, grant a rate increase to physicians who provide  
2099 services to clients who are eligible under both Medicaid and Medicare.

2100 Sec. 55. (NEW) (*Effective from passage*) Notwithstanding the  
2101 provisions of section 17b-106 of the general statutes, the personal  
2102 needs allowance component of the adult standard shall be  
2103 permanently increased by one-half of the percentage increase in the  
2104 January, 2003, annual cost-of-living increase, if any, in the federal  
2105 Supplemental Security Income program.

2106 Sec. 56. Section 123 of public act 02-1 of the May 9 special session is  
2107 repealed and the following is substituted in lieu thereof (*Effective from*  
2108 *passage*):

2109 The Commissioner of Social Services may implement a

2110 pharmaceutical purchasing initiative by contracting with an  
2111 established entity for the purchase of drugs through the lowest pricing  
2112 available notwithstanding the provisions of section 17b-280 of the  
2113 general statutes, as amended, for Medicaid, state-administered general  
2114 assistance, general assistance, ConnPACE and Connecticut AIDS drug  
2115 assistance recipients. Any entity with whom the commissioner  
2116 contracts for the purposes of this section shall have an established  
2117 pharmaceutical network and a demonstrated capability of processing  
2118 the prescription volume anticipated for Medicaid, state-administered  
2119 general assistance, general assistance, ConnPACE and Connecticut  
2120 AIDS drug assistance recipients. The department shall report annually  
2121 on the status of the pharmaceutical purchasing initiative to the joint  
2122 standing committee of the General Assembly having cognizance of  
2123 matters relating to appropriations and the budgets of state agencies.

2124 Sec. 57. Subsection (a) of section 17b-239 of the general statutes, as  
2125 amended by sections 11 and 66 of public act 01-2 of the June special  
2126 session, and sections 121 and 129 of public act 01-9 of the June special  
2127 session, is repealed and the following is substituted in lieu thereof  
2128 (*Effective from passage*):

2129 (a) The rate to be paid by the state to hospitals receiving  
2130 appropriations granted by the General Assembly and to freestanding  
2131 chronic disease hospitals, providing services to persons aided or cared  
2132 for by the state for routine services furnished to state patients, shall be  
2133 based upon reasonable cost to such hospital, or the charge to the  
2134 general public for ward services or the lowest charge for semiprivate  
2135 services if the hospital has no ward facilities, imposed by such  
2136 hospital, whichever is lowest, except to the extent, if any, that the  
2137 commissioner determines that a greater amount is appropriate in the  
2138 case of hospitals serving a disproportionate share of indigent patients.  
2139 Such rate shall be promulgated annually by the Commissioner of  
2140 Social Services. Nothing contained herein shall authorize a payment by  
2141 the state for such services to any such hospital in excess of the charges  
2142 made by such hospital for comparable services to the general public.

2143 Notwithstanding the provisions of this section, for the rate period  
 2144 beginning July 1, 2000, rates paid to freestanding chronic disease  
 2145 hospitals and freestanding psychiatric hospitals shall be increased by  
 2146 three per cent. For the rate period beginning July 1, 2001, a  
 2147 freestanding chronic disease hospital or freestanding psychiatric  
 2148 hospital shall receive a rate that is two and one-half per cent more than  
 2149 the rate it received in the prior fiscal year [. For the rate period  
 2150 beginning July 1, 2002] and such rate shall remain effective until  
 2151 December 31, 2002. Effective January 1, 2003, a freestanding chronic  
 2152 disease hospital or freestanding psychiatric hospital shall receive a rate  
 2153 that is two per cent more than the rate it received in the prior fiscal  
 2154 year. Notwithstanding the provisions of this subsection, for the period  
 2155 commencing July 1, 2001, and ending June 30, 2003, the commissioner  
 2156 may pay an additional total of no more than three hundred thousand  
 2157 dollars annually for services provided to long-term ventilator patients.  
 2158 For purposes of this subsection, "long-term ventilator patient" means  
 2159 any patient at a freestanding chronic disease hospital on a ventilator  
 2160 for a total of sixty days or more in any consecutive twelve-month  
 2161 period.

2162 Sec. 58. (NEW) (*Effective from passage*) (a) The Commissioner of  
 2163 Social Services may, with regard to the provision of behavioral health  
 2164 services provided pursuant to a state plan under Title XIX or Title XXI  
 2165 of the Social Security Act: (1) Contract with an administrative services  
 2166 organization to provide clinical management and other administrative  
 2167 services; and (2) delegate responsibility to the Department of Children  
 2168 and Families for the clinical management portion of an administrative  
 2169 contract pertaining to children under eighteen years of age or  
 2170 individuals who are otherwise receiving behavioral health services  
 2171 from said department.

2172 (b) For purposes of this section, the term "clinical management"  
 2173 describes the process of evaluating and determining the  
 2174 appropriateness of the utilization of behavioral health services,  
 2175 providing assistance to clinicians or beneficiaries to ensure appropriate

2176 use of resources and may include, but is not limited to, authorization,  
 2177 concurrent and retrospective review, discharge review, quality  
 2178 management, provider certification and provider performance  
 2179 enhancement. The Commissioners of Social Services and Children and  
 2180 Families shall jointly develop clinical management policies and  
 2181 procedures. The Department of Social Services may implement policies  
 2182 and procedures necessary to carry out the purposes of this section,  
 2183 including any necessary changes to existing behavioral health policies  
 2184 and procedures concerning utilization management, while in the  
 2185 process of adopting such policies and procedures in regulation form,  
 2186 provided the commissioner publishes notice of intention to adopt the  
 2187 regulations in the Connecticut Law Journal within twenty days of  
 2188 implementing such policies and procedures. Policies and procedures  
 2189 implemented pursuant to this subsection shall be valid until the earlier  
 2190 of (1) the time such regulations are effective, or (2) December 1, 2003.

2191 Sec. 59. (NEW) (*Effective from passage*) (a) The Judicial Branch and  
 2192 each state agency, community-based program, organization or  
 2193 individual that provides behavioral health or substance abuse  
 2194 prevention and treatment programs that are operated, funded or  
 2195 licensed by the Department of Children and Families pursuant to  
 2196 sections 17a-20, 17a-114, as amended, 17a-145, 17a-147, 17a-149, 17a-  
 2197 151, as amended, 17a-152 and 17a-154 of the general statutes shall  
 2198 provide case specific information to the department for purposes  
 2199 directly connected with the administration of Connecticut Community  
 2200 KidCare in such form and manner as the department requests. The  
 2201 provisions of this section shall be subject to the confidentiality  
 2202 requirements as set forth in applicable federal law.

2203 (b) No person shall solicit, disclose, receive or make use of, or  
 2204 authorize, knowingly permit, participate in or acquiesce in the use of,  
 2205 any list of the names of, or any information concerning, persons  
 2206 applying for or receiving assistance under the Connecticut Community  
 2207 KidCare program, directly or indirectly derived from the records,  
 2208 papers, files or communications of the state or its subdivisions or

2209 agencies, or acquired in the course of the performance of official  
2210 duties. The Commissioner of Children and Families shall disclose case  
2211 specific information to any authorized representative of the  
2212 Commissioner of Social Services for purposes directly connected with  
2213 the administration of Connecticut Community KidCare. No such  
2214 representative shall disclose any information obtained pursuant to this  
2215 section, except as specified in this section.

2216 Sec. 60. (NEW) (*Effective from passage*) Notwithstanding any  
2217 provision of the general statutes, on or before June 30, 2003, the  
2218 Commissioner of Social Services, in consultation with the Secretary of  
2219 the Office of Policy and Management, may submit an amendment to  
2220 the Medicaid state plan or implement changes necessary to reduce  
2221 expenditures for Medicaid nonemergency medical transportation,  
2222 provided in implementing such efficiencies or reduction of services no  
2223 category of eligible need shall be eliminated other than the  
2224 reimbursement for personal vehicle use.

2225 Sec. 61. Section 17b-276 of the general statutes is repealed and the  
2226 following is substituted in lieu thereof (*Effective from passage*):

2227 The Commissioner of Social Services shall identify geographic areas  
2228 of the state where competitive bidding for nonemergency  
2229 transportation services provided to medical assistance recipients to  
2230 access covered medical services would result in cost savings to the  
2231 state. For the identified areas the Commissioner of Social Services, in  
2232 consultation with the Commissioner of Transportation, the  
2233 Commissioner of Public Health, and the Secretary of the Office of  
2234 Policy and Management, shall purchase such nonemergency  
2235 transportation services through a competitive bidding process. Any  
2236 transportation providers awarded a contract or subcontract for the  
2237 direct provision of such services shall meet state licensure or  
2238 certification requirements and the nonemergency transportation  
2239 requirements established by the Department of Social Services, and  
2240 shall provide the most cost effective transportation service, provided

any contractor awarded a contract solely for coordinating such transportation services shall not be required to meet such licensure or certification requirements and provided the first such contracts for the purchase of such services shall not exceed one year. Prior to awarding a contract pursuant to this section, the Commissioner of Social Services shall consider the effect of the contract on the emergency ambulance primary service areas and volunteer ambulance services affected by the contract. The commissioner may limit the geographic areas to be served by a contractor and may limit the amount of services to be performed by a contractor. The commissioner may operate one or more pilot programs prior to state-wide operation of a competitive bidding program for nonemergency transportation services. By enrolling in the Medicaid program or participating in the competitively bid contract for nonemergency transportation services, providers of nonemergency transportation services agree to offer to recipients of medical assistance all types or levels of transportation services for which they are licensed or certified. Effective October 1, 1991, payment for such services shall be made only for services provided to an eligible recipient who is actually transported. A contract entered into pursuant to this section may include services provided by another state agency. Notwithstanding any provision of the general statutes, a contract entered into pursuant to this section shall establish the rates to be paid for the transportation services provided under the contract. A contract entered into pursuant to this section may include services provided by another state agency and shall supercede any conflicting provisions of the regulations of Connecticut state agencies pertaining to medical transportation services.

(b) Notwithstanding any other provision of the general statutes, for purposes of administering medical assistance programs, including, but not limited to, the state administered general assistance program and programs administered pursuant to Title XIX or Title XXI of the Social Security Act, the Department of Social Services shall be the sole state agency that sets emergency and nonemergency medical transportation

2275 fees or fee schedules for any transportation services that are  
2276 reimbursed by the department for said medical assistance programs.

2277       Sec. 62. Section 20 of public act 01-2 of the June special session is  
2278 repealed and the following is substituted in lieu thereof (*Effective from*  
2279 *passage*):

2280       Notwithstanding any provision of this chapter, the Commissioner of  
2281 Social Services may [implement a mandatory program of primary care  
2282 case management] enter into a contract with a consortium of federally-  
2283 qualified community health centers to provide medical assistance to  
2284 beneficiaries eligible under sections 17b-257 and 17b-259, as amended  
2285 by this act. [The Department of Social Services may enter into contracts  
2286 for medical services and program management to implement the  
2287 provisions of this section.]

2288       Sec. 63. Section 2-88 of the general statutes is repealed and the  
2289 following is substituted in lieu thereof (*Effective from passage*):

2290       The commission may apply for and receive assistance from any  
2291 source, including grants of money and services from national and state  
2292 bodies and foundations. The commission may procure information,  
2293 advice, and assistance from any agency, department, legislative  
2294 committee, or other instrumentality of the state, with the consent of the  
2295 head thereof. All state agencies, other official state organizations and  
2296 all persons connected with them shall give the commission all relevant  
2297 information and reasonable assistance on any matters of research  
2298 requiring recourse to them or to data within their knowledge or  
2299 control. The commission may request assistance in the performance of  
2300 its responsibilities by the Legislative Commissioners' Office, and the  
2301 legislative commissioners may assign attorneys in their office to  
2302 provide such assistance. The commission shall have the power to  
2303 adopt such regulations, in accordance with the provisions of chapter  
2304 54, for the conduct of its business as are necessary to carry out the  
2305 purposes of this chapter.

2306       Sec. 64. (*Effective from passage*) (a) As used in this section, "privileged  
2307       claim information" means information (1) concerning an event where a  
2308       person asserts that the city of Waterbury is liable in whole or in part  
2309       for any damage or injury arising from such event, whether or not  
2310       covered by any insurance policy, and includes documents, oral  
2311       statements and financial or similar information concerning such event,  
2312       and (2) that is protected from disclosure under the attorney-client  
2313       privilege, including the common defense doctrine, the work product  
2314       doctrine or any similar privilege or doctrine recognized under state or  
2315       federal law.

2316       (b) For purposes of the Waterbury Financial Planning and  
2317       Assistance Board exercising its powers and fulfilling its obligations  
2318       under special act 01-1, any disclosure of privileged claim information  
2319       to said board by the city of Waterbury, its legal counsel or its agents,  
2320       shall remain protected by the attorney-client privilege from disclosure  
2321       to any other person.

2322       Sec. 65. (*Effective from passage*) During the fiscal year ending June 30,  
2323       2003, each licensee subject to the provisions of subsections (e) and (m)  
2324       of section 12-575 of the general statutes shall receive a rebate of the  
2325       amount paid by such licensee during such fiscal year according to the  
2326       schedule of payments established by the executive director pursuant to  
2327       subsection (m) of said section 12-575 equal to the amount of the  
2328       payment received during such fiscal year by the municipality in which  
2329       such licensee's facility is located for local aid adjustment. The amount  
2330       of any such rebate shall be deducted from the payment made under  
2331       subsection (m) of said section 12-575.

2332       Sec. 66. (*Effective from passage*) The Brookfield Water Company, a  
2333       corporation incorporated under the laws of the state of Connecticut on  
2334       February 2, 1998, shall continue to exist as a corporation with all the  
2335       rights, powers and duties set forth in its certificate of incorporation  
2336       and any amendment thereto, and said corporation shall further have  
2337       and exercise all powers and privileges granted herein, together with



2338 such other powers, privileges and duties as may be granted to water  
2339 companies by the general statutes for the purpose of supplying the  
2340 town of Brookfield and the inhabitants thereof with an abundant  
2341 supply of water for public, domestic and other use.

2342       Sec. 67. (*Effective from passage*) The Brookfield Water Company shall,  
2343 in addition to the powers and privileges referred to in section 66 of this  
2344 act, be further empowered and authorized, as may be necessary or  
2345 convenient for conducting water to and distributing water within the  
2346 town of Brookfield: (1) To open public streets, ways and grounds for  
2347 purposes of installing, maintaining, repairing and replacing its mains,  
2348 pipes and conduits and other works useful for public water supply,  
2349 provided said corporation shall have such streets, ways and grounds  
2350 in all respects in as good condition as before the installation,  
2351 maintenance, repair or replacement of such mains, pipes, conduits and  
2352 other works; (2) to install, maintain, operate, repair and replace its  
2353 mains, pipes and conduits and other works through, over and under  
2354 public streets, ways and grounds in said town of Brookfield or the  
2355 immediate vicinity of the town of Brookfield; (3) to construct, repair  
2356 and maintain such reservoir or reservoirs or other source or sources of  
2357 water supply and structures and facilities appurtenant thereto; (4) to  
2358 construct, repair and maintain any canals or aqueducts and other  
2359 works as may be useful for public water supply; (5) to install fire  
2360 hydrants; and (6) to remove existing nuisances and prohibit the  
2361 erection of other nuisances upon such streams as may be used by the  
2362 corporation for water supply purposes, provided nothing in this act  
2363 shall authorize said corporation to take the property or vested rights of  
2364 any other person without just compensation therefor.

2365       Sec. 68. (*Effective from passage*) The Brookfield Water Company may  
2366 take, hold and use such lands, springs, streams or ponds or such rights  
2367 and interests therein as may be expedient or necessary for the  
2368 purposes of providing a public water supply to the town of Brookfield  
2369 and its inhabitants in accordance with this act, preserving the purity of  
2370 such water and preventing any contamination thereof, provided, in all

2371 such cases where the law shall require that compensation be paid to  
2372 any person whose rights, interests or property have been or will be  
2373 injuriously affected by such taking, said corporation may apply to the  
2374 Superior Court and such court, after such notice as said court shall  
2375 deem sufficient, shall appoint a committee of three disinterested  
2376 persons who shall, after reasonable notice to the parties, determine and  
2377 award the amount to be paid by said corporation on account of such  
2378 taking, which determination and award shall be returned to the clerk  
2379 of the Superior Court, who shall, upon approval by the court, record  
2380 the same. The court's approval of an award shall constitute a final  
2381 judgment.

2382       Sec. 69. (*Effective from passage*) The town of Brookfield or any school  
2383 district or fire district within said town may contract with said  
2384 corporation for a supply of water for use or protection of any property  
2385 within its limits and for other purposes and may assess and collect a  
2386 tax for such amounts as may be required to meet liabilities under such  
2387 contract or contracts.

2388       Sec. 70. (*Effective from passage*) Where the Brookfield Water  
2389 Company is not able to provide a source of water supply to a  
2390 customer, such customer shall be permitted to construct a well on  
2391 property owned by such customer to provide water for use on such  
2392 property, without any obligation for payment to the Brookfield Water  
2393 Company. Such well shall not be considered a source of water supply  
2394 for the Brookfield Water Company.

2395       Sec. 71. (*Effective from passage*) Sections 66 to 69 inclusive, of this act  
2396 shall be valid and effective as an amendment to the Certificate of  
2397 Incorporation of the Brookfield Water Company if, not later than one  
2398 year after the effective date of this act, it is accepted at a meeting of the  
2399 stockholders of said corporation duly noticed for such purpose and  
2400 only upon the filing after such meeting of a certificate of amendment in  
2401 the office of the Secretary of the State.

2402       Sec. 72. Subsection (a) of section 30 of public act 02-1 of the May 9

2403 special session is repealed and the following is substituted in lieu  
2404 thereof (*Effective July 1, 2002*):

2405 (a) The unexpended balance of funds appropriated to the Office of  
2406 Workforce Competitiveness in section 1 of special act 01-1 of the June  
2407 special session, as amended by section 1 of special act 01-1 of the  
2408 November 15 special session, for Jobs Funnel, [in excess of \$700,000,]  
2409 shall not lapse on June 30, 2002, and such funds shall continue to be  
2410 available for expenditure for such purpose during the fiscal year  
2411 ending June 30, 2003.

2412 Sec. 73. (NEW) (*Effective from passage*) (a) For the purposes of this  
2413 section, "electric personal assistive mobility device" means a self-  
2414 balancing device unsuitable for operation on public highways having  
2415 two nontandem wheels and designed to transport one person with an  
2416 electric propulsion system equipped with a device that limits the  
2417 maximum speed of such device to not more than fifteen miles per  
2418 hour.

2419 (b) Each electric personal assistive mobility device shall be equipped  
2420 with front, rear and side reflectors and a system that, when employed,  
2421 will enable the operator to bring the device to a controlled stop. If such  
2422 device is operated between one-half hour after sunset and one-half  
2423 hour before sunrise, it shall display a lamp emitting a white light  
2424 which, while such device is in motion, illuminates the area in front of  
2425 the operator and is visible from a distance of three hundred feet in  
2426 front of and from the sides of such device.

2427 (c) An operator of an electric personal assistive mobility device is  
2428 not required to obtain an operator's license and such device is not  
2429 required to be registered as a motor vehicle when such device is  
2430 operated in accordance with the provisions of this section.

2431 (d) Any person sixteen years of age or older who has disabilities  
2432 which limit or impair the ability to walk, as defined in 23 CFR Part  
2433 1235.2 and who has been issued a placard pursuant to the provisions

2434 of section 14-253a of the general statutes may operate an electric  
2435 personal assistive mobility device on any sidewalk or on a highway for  
2436 the purposes of crossing the highway at a crosswalk, when practicable,  
2437 or at an angle of approximately ninety degrees to the direction of the  
2438 highway at a location at which there are no obstructions that may  
2439 prevent an expedient and safe crossing provided such device is  
2440 completely stopped before entering the traveled portion of the  
2441 highway and the operator yields the right-of-way to any motor vehicle  
2442 using such highway. Any such operator shall yield the right-of-way to  
2443 any pedestrian on a sidewalk or highway.

2444 (e) No person may operate such device on a limited access state  
2445 highway, as defined in section 13a-1 of the general statutes.

2446 (f) No person may operate an electric personal assistive mobility  
2447 device at a rate of speed exceeding fifteen miles per hour.

2448 (g) Violation of any provision of this section shall be an infraction.

2449 Sec. 74. Section 14-250a of the general statutes is repealed and the  
2450 following is substituted in lieu thereof (*Effective from passage*):

2451 (a) No person shall operate any motor vehicle upon, nor shall any  
2452 motor vehicle be left parked, standing or stopped on or across, any  
2453 public sidewalk except to cross such sidewalk to enter or leave  
2454 adjacent areas or to perform necessary sidewalk construction,  
2455 maintenance or snow removal.

2456 (b) The provisions of this section shall not apply to an electric  
2457 personal assistive mobility device, as defined in section 73 of this act.

2458 (c) Violation of any provision of this section shall be an infraction.

2459 Sec. 75. Section 31-230 of the general statutes is repealed and the  
2460 following is substituted in lieu thereof (*Effective from passage*):

2461 (a) An individual's benefit year shall commence with the beginning

2462 of the week with respect to which [he] the individual has filed a valid  
 2463 initiating claim and shall continue through the Saturday of the fifty-  
 2464 first week following the week in which it commenced, provided no  
 2465 benefit year shall end until after the end of the third complete calendar  
 2466 quarter, plus the remainder of any uncompleted calendar week  
 2467 [which] that began in such quarter, following the calendar quarter in  
 2468 which it commenced, and provided further, the benefit year of [a  
 2469 claimant] an individual who has filed a combined wage claim, as  
 2470 described in subsection (b) of section 31-255, shall be the benefit year  
 2471 prescribed by the law of the paying state. In no event shall a benefit  
 2472 year be established before the termination of an existing benefit year  
 2473 previously established under the provisions of this chapter. [The]  
 2474 Except as provided in subsection (b) of this section, the base period of  
 2475 a benefit year shall be the first four of the five most recently completed  
 2476 calendar quarters prior to such benefit year, provided such quarters  
 2477 were not previously used to establish a prior valid benefit year and  
 2478 provided further, the base period with respect to a combined wage  
 2479 claim, as described in subsection (b) of section 31-255, shall be the base  
 2480 period of the paying state, except that for any individual who is  
 2481 eligible to receive or is receiving workers' compensation or who is  
 2482 properly absent from work under the terms of [his] the employer's sick  
 2483 leave or disability leave policy, the base period shall be the first four of  
 2484 the five most recently worked quarters prior to such benefit year,  
 2485 provided such quarters were not previously used to establish a prior  
 2486 valid benefit year and provided further, the last most recently worked  
 2487 calendar quarter is no more than twelve calendar quarters prior to the  
 2488 date such individual makes [his] an initiating claim. As used in this  
 2489 section, an initiating claim shall be deemed valid if the [claimant]  
 2490 individual is unemployed and meets the requirements of [subsections]  
 2491 subdivisions (1) and (3) of subsection (a) of section 31-235. The base  
 2492 period of an individual's benefit year shall include wages paid by any  
 2493 nonprofit organization electing reimbursement in lieu of contributions,  
 2494 or by the state and by any town, city or other political or governmental  
 2495 subdivision of or in this state or of any municipality to such person

2496 with respect to whom such employer is subject to the provisions of this  
 2497 chapter. With respect to weeks of unemployment beginning on or after  
 2498 January 1, 1978, wages for insured work shall include wages paid for  
 2499 previously uncovered services. For purposes of this section, the term  
 2500 "previously uncovered services" means services [(A) which] that (1)  
 2501 were not employment, as defined in section 31-222, as amended, and  
 2502 were not services covered pursuant to section 31-223, at any time  
 2503 during the one-year period ending December 31, 1975; and [(B) which  
 2504 (i)] (2) (A) are agricultural labor, as defined in [section 31-222(a)(1)(H)]  
 2505 subparagraph (H) of subdivision (1) of subsection (a) of section 31-222,  
 2506 or domestic service, as defined in [section 31-222(a)(1)(J)]  
 2507 subparagraph (J) of subdivision (1) of subsection (a) of section 31-222,  
 2508 or [(ii)] (B) are services performed by an employee of this state or a  
 2509 political subdivision [thereof] of this state, as provided in [section 31-  
 2510 222(a)(1)(C)] subparagraph (C) of subdivision (1) of subsection (a) of  
 2511 section 31-222, as amended, or by an employee of a nonprofit  
 2512 educational institution [which] that is not an institution of higher  
 2513 education, as provided in [section 31-222(a)(1)(E)(iii)] subparagraph  
 2514 (E)(iii) of subdivision (1) of subsection (a) of section 31-222, as  
 2515 amended, except to the extent that assistance under Title II of the  
 2516 Emergency Jobs and Unemployment Assistance Act of 1974 was paid  
 2517 on the basis of such services.

2518 (b) For a period from January 1, 2003, to December 31, 2005, or three  
 2519 calendar years from the date of implementation of this section,  
 2520 whichever is later, the base period of a benefit year for any individual  
 2521 who is ineligible to receive benefits using the base period set forth in  
 2522 subsection (a) of this section shall be the four most recently completed  
 2523 calendar quarters prior to the individual's benefit year, provided such  
 2524 quarters were not previously used to establish a prior valid benefit  
 2525 year, except that for any such individual who is eligible to receive or is  
 2526 receiving workers' compensation or who is properly absent from work  
 2527 under the terms of an employer's sick leave or disability leave policy,  
 2528 the base period shall be the four most recently worked calendar  
 2529 quarters prior to such benefit year, provided such quarters were not

2530 previously used to establish a prior valid benefit year and provided  
 2531 further, the last most recently worked calendar quarter is not more  
 2532 than twelve calendar quarters prior to the date such individual makes  
 2533 the initiating claim. If the wage information for an individual's most  
 2534 recently worked calendar quarter is unavailable to the administrator  
 2535 from regular quarterly reports of systematically accessible wage  
 2536 information, the administrator shall promptly contact the individual's  
 2537 employer to obtain such wage information.

2538 (c) On or before July 1, 2003, the administrator shall adopt  
 2539 regulations, in accordance with the provisions of chapter 54, to  
 2540 implement the provisions of this section, provided the administrator  
 2541 may implement the provisions of this section prior to the adoption of  
 2542 such regulations. Such regulations shall specify the manner and format  
 2543 in which the administrator shall:

2544 (1) Provide written notice to individuals of the potential availability  
 2545 of the alternative base period calculation set forth in subsection (b) of  
 2546 this section; and

2547 (2) Promptly obtain wage information from an employer in order to  
 2548 calculate the alternative base period set forth in subsection (b) of this  
 2549 section.

2550 *Sec. 76. (Effective from passage)* Notwithstanding the provisions of  
 2551 subsection (a) of section 31-261 of the general statutes, \$9,000,000 of the  
 2552 amount credited to this state's account in the Unemployment Trust  
 2553 Fund pursuant to Section 903 of the Social Security Act, as amended by  
 2554 Section 209 of Public Law 107-147, with respect to federal fiscal year  
 2555 2002, is deemed to be appropriated to the Labor Department and shall  
 2556 be used for the purpose of paying expenses incurred for the  
 2557 administration of chapter 567 of the general statutes and of public  
 2558 employment offices. Such amount shall be available for expenditure to  
 2559 the extent allowed under Section 903 of the Social Security Act, as  
 2560 amended by Section 209 of Public Law 107-147.

2561 Sec. 77. Subsection (c) of section 16-19hh of the general statutes, as  
2562 amended by public act 02-141, is repealed and the following is  
2563 substituted in lieu thereof (*Effective from passage*):

2564 (c) Notwithstanding the provisions of subsections (a) and (b) of this  
2565 section, a customer that is (1) an existing or proposed manufacturing  
2566 plant that will add or create one hundred or more jobs and that will  
2567 demand at least fifty kilowatts of additional load through the  
2568 construction or expansion of manufacturing facilities, or (2) an existing  
2569 manufacturing plant located in a distressed municipality, as defined in  
2570 section 32-9p, as amended, that is located in an enterprise corridor and  
2571 employing not less than two hundred persons may be exempted from  
2572 [a portion of the] payment of the competitive transition assessment  
2573 required under section 16-145g. A customer meeting [these] the  
2574 requirements of subdivision (1) of this subsection may apply to the  
2575 department for an exemption from the payment of the competitive  
2576 transition assessment that relate to the new or incremental load created  
2577 by such construction or expansion. A customer meeting the  
2578 requirements of subdivision (2) of this subsection may apply to the  
2579 department for an exemption from the payment of the competitive  
2580 transition assessment. The department shall hold a hearing on any  
2581 such application, and if approved, direct the electric distribution  
2582 company to refrain from collecting a specific portion of the competitive  
2583 transition assessment from such customer. The department may adopt  
2584 regulations pursuant to chapter 54 to implement the provisions of this  
2585 section.

2586 Sec. 78. Subsection (a) of section 16a-46 of the general statutes is  
2587 repealed and the following is substituted in lieu thereof (*Effective from*  
2588 *passage*):

2589 (a) The Secretary of the Office of Policy and Management shall be  
2590 responsible for the development and implementation of a residential  
2591 energy conservation service program in accordance with the  
2592 provisions of this section, sections 16a-46a, 16a-46b and 16a-46c and



2593 applicable federal law. Participants in the program shall provide or  
2594 arrange for low cost energy audits. No participant under subdivision  
2595 (1) or (3) of section 16a-45a may be required to provide such services  
2596 outside its authorized service area or area of normal operation. The  
2597 residential energy conservation service program shall terminate on  
2598 July 1, [2002] 2005.

2599 Sec. 79. (NEW) (*Effective from passage*) (a) Notwithstanding section  
2600 19a-14 of the general statutes, as amended, or any other provisions of  
2601 the general statutes relating to continuing education or refresher  
2602 training, the Department of Public Health shall renew a license,  
2603 certificate, permit or registration issued to an individual pursuant to  
2604 chapters 368d, 368v, 370 to 388, inclusive, 393a, 395, 398, 399, 400a and  
2605 400c of the general statutes, which becomes void pursuant to section  
2606 19a-88 of the general statutes, as amended, or section 2 of public act 01-  
2607 1 while the holder thereof is on active duty in the armed forces of the  
2608 United States, within six months from the date of discharge from  
2609 active duty, upon completion of any continuing education or refresher  
2610 training required to renew a license, certificate, registration or permit  
2611 which has not become void pursuant to section 19a-88 of the general  
2612 statutes, as amended, or section 2 of public act 01-1. A licensee  
2613 applying for license renewal pursuant to this section shall submit an  
2614 application on a form prescribed by the department and other such  
2615 documentation as may be required by the department.

2616 (b) The provisions of this section shall not apply to reservists or  
2617 National Guard members on active duty for annual training that is a  
2618 regularly scheduled obligation for reservists or members of the  
2619 National Guard for training which is not a part of mobilization.

2620 (c) No license shall be issued under this section to any applicant  
2621 against whom professional disciplinary action is pending or who is the  
2622 subject of an unresolved complaint.

2623 Sec. 80. Section 3 of special act 01-6 is amended to read as follows  
2624 (*Effective from passage*):

2625 (a) Notwithstanding any provision of the general statutes, the  
2626 Commissioner of Environmental Protection shall convey to the Yantic  
2627 Volunteer Fire Department the parcels of land located at 42, 44 and 46  
2628 Franklin Road in the town of Franklin, at a cost equal to the  
2629 administrative costs of making such conveyance. Said parcels of land  
2630 have a total area of approximately [.58] .81 acre. The conveyance shall  
2631 be subject to the approval of the State Properties Review Board.

2632 (b) The Yantic Volunteer Fire Department shall use said parcel of  
2633 lands for open space and fire training purposes. If the Yantic Volunteer  
2634 Fire Department:

2635 (1) Does not use any said parcel for said purposes;

2636 (2) Does not retain ownership of all of any said parcel; or

2637 (3) Leases all or any portion of any said parcel,

2638 the parcel shall revert to the state of Connecticut.

2639 (c) The State Properties Review Board shall complete its review of  
2640 the conveyance of said parcels of land not later than thirty days after it  
2641 receives a proposed agreement from the Department of Environmental  
2642 Protection. The land shall remain under the care and control of said  
2643 department until a conveyance is made in accordance with the  
2644 provisions of this section. The State Treasurer shall execute and deliver  
2645 any deed or instrument necessary for a conveyance under this section,  
2646 which deed or instrument shall include provisions to carry out the  
2647 purposes of subsection (b) of this section. The Commissioner of  
2648 Environmental Protection shall have the sole responsibility for all other  
2649 incidents of such conveyance.

2650 Sec. 81. Section 3-55j of the general statutes is repealed and the  
2651 following is substituted in lieu thereof (*Effective from passage*):

2652 (a) Twenty million dollars of the moneys available in the  
2653 Mashantucket Pequot and Mohegan Fund established by section 3-55i

2654 shall be paid to municipalities eligible for a state grant in lieu of taxes  
2655 pursuant to section 12-19a in addition to the grants payable to such  
2656 municipalities pursuant to section 12-19a, subject to the provisions of  
2657 subsection (b) of this section. Such grant shall be calculated under the  
2658 provisions of section 12-19a and shall equal one-third of the additional  
2659 amount which such municipalities would be eligible to receive if the  
2660 total amount available for distribution were eighty-five million two  
2661 hundred five thousand eighty-five dollars and the percentage of  
2662 reimbursement set forth in section 12-19a were increased to reflect  
2663 such amount. Any eligible special services district shall receive a  
2664 portion of the grant payable under this subsection to the town in  
2665 which such district is located. The portion payable to any such district  
2666 under this subsection shall be the amount of the grant to the town  
2667 under this subsection which results from application of the district mill  
2668 rate to exempt property in the district. As used in this subsection and  
2669 subsection (c) of this section, "eligible special services district" means  
2670 any special services district created by a town charter, having its own  
2671 governing body and for the assessment year commencing October 1,  
2672 1996, containing fifty per cent or more of the value of total taxable  
2673 property within the town in which such district is located.

2674 (b) No municipality shall receive a grant pursuant to subsection (a)  
2675 of this section which, when added to the amount of the grant payable  
2676 to such municipality pursuant to section 12-19a, would exceed one  
2677 hundred per cent of the property taxes which would have been paid  
2678 with respect to all state-owned real property, except for the exemption  
2679 applicable to such property, on the assessment list in such  
2680 municipality for the assessment date two years prior to the  
2681 commencement of the state fiscal year in which such grants are  
2682 payable, except that, notwithstanding the provisions of said subsection  
2683 (a), no municipality shall receive a grant pursuant to said subsection  
2684 which is less than one thousand six hundred sixty-seven dollars.

2685 (c) Twenty million one hundred twenty-three thousand nine  
2686 hundred sixteen dollars of the moneys available in the Mashantucket

2687 Pequot and Mohegan Fund established by section 3-55i shall be paid to  
2688 municipalities eligible for a state grant in lieu of taxes pursuant to  
2689 section 12-20a, as amended, in addition to and in the same proportion  
2690 as the grants payable to such municipalities pursuant to section 12-20a,  
2691 as amended, subject to the provisions of subsection (d) of this section.  
2692 Any eligible special services district shall receive a portion of the grant  
2693 payable under this subsection to the town in which such district is  
2694 located. The portion payable to any such district under this subsection  
2695 shall be the amount of the grant to the town under this subsection  
2696 which results from application of the district mill rate to exempt  
2697 property in the district.

2698 (d) Notwithstanding the provisions of subsection (c) of this section,  
2699 no municipality shall receive a grant pursuant to said subsection  
2700 which, when added to the amount of the grant payable to such  
2701 municipality pursuant to section 12-20a, as amended, would exceed  
2702 one hundred per cent of the property taxes which, except for any  
2703 exemption applicable to any private nonprofit institution of higher  
2704 education, nonprofit general hospital facility or free standing chronic  
2705 disease hospital under the provisions of section 12-81, as amended,  
2706 would have been paid with respect to such exempt real property on  
2707 the assessment list in such municipality for the assessment date two  
2708 years prior to the commencement of the state fiscal year in which such  
2709 grants are payable.

2710 (e) Thirty-five million dollars of the moneys available in the  
2711 Mashantucket Pequot and Mohegan Fund established by section 3-55i  
2712 shall be paid to municipalities in accordance with the provisions of  
2713 section 7-528, except that for the purposes of section 7-528, "adjusted  
2714 equalized net grand list per capita" means the equalized net grand list  
2715 divided by the total population of a town, as defined in subdivision (7)  
2716 of subsection (a) of section 10-261, as amended, multiplied by the ratio  
2717 of the per capita income of the town to the per capita income of the  
2718 town at the one hundredth percentile among all towns in the state  
2719 ranked from lowest to highest in per capita income, and "equalized net

2720 grand list" means the net grand list of such town upon which taxes  
2721 were levied for the general expenses of such town two years prior to  
2722 the fiscal year in which a grant is to be paid, equalized in accordance  
2723 with section 10-261a.

2724 (f) Five million four hundred seventy-five thousand dollars of the  
2725 moneys available in the Mashantucket Pequot and Mohegan Fund  
2726 established by section 3-55i shall be paid to the following  
2727 municipalities in accordance with the provisions of section 7-528,  
2728 except that for the purposes of said section 7-528, "adjusted equalized  
2729 net grand list per capita" means the equalized net grand list divided by  
2730 the total population of a town, as defined in subdivision (7) of  
2731 subsection (a) of section 10-261, as amended, multiplied by the ratio of  
2732 the per capita income of the town to the per capita income of the town  
2733 at the one hundredth percentile among all towns in the state ranked  
2734 from lowest to highest in per capita income, and "equalized net grand  
2735 list" means the net grand list of such town upon which taxes were  
2736 levied for the general expenses of such town two years prior to the  
2737 fiscal year in which a grant is to be paid, equalized in accordance with  
2738 section 10-261a: Bridgeport, Hamden, Hartford, Meriden, New Britain,  
2739 New Haven, New London, Norwalk, Norwich, Waterbury and  
2740 Windham.

2741 (g) Notwithstanding the provisions of subsections (a) to (f),  
2742 inclusive, of this section, the total grants paid to the following  
2743 municipalities from the moneys available in the Mashantucket Pequot  
2744 and Mohegan Fund established by section 3-55i shall be as follows:

T1	Bloomfield	\$ 267,489
T2	Bridgeport	10,506,506
T3	Bristol	1,004,050
T4	Chaplin	141,725
T5	Danbury	1,612,564
T6	Derby	432,162
T7	East Hartford	522,421

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T8	East Lyme	488,160
T9	Groton	2,037,088
T10	Hamden	1,592,270
T11	Manchester	1,014,244
T12	Meriden	1,537,900
T13	Middletown	2,124,960
T14	Milford	676,535
T15	New Britain	3,897,434
T16	New London	2,649,363
T17	North Haven	268,582
T18	Norwalk	1,451,367
T19	Norwich	1,662,147
T20	Preston	461,939
T21	Rocky Hill	477,950
T22	Stamford	1,570,767
T23	Union	38,101
T24	Voluntown	156,902
T25	Waterbury	5,179,655
T26	Wethersfield	371,629
T27	Windham	1,307,974
T28	Windsor Locks	754,833

2745        [(h) The municipalities of Ledyard, North Stonington and Preston  
2746 shall each receive a grant of one hundred seventy-five thousand  
2747 dollars and the municipality of Montville shall receive a grant of one  
2748 hundred fifty thousand dollars which shall be paid from the  
2749 Mashantucket Pequot and Mohegan Fund established by section 3-55i  
2750 and which shall be in addition to the grants paid to said municipalities  
2751 pursuant to subsections (a) to (g), inclusive, of this section.]

2752        [(i)] (h) For the fiscal year ending June 30, 1999, and each fiscal year  
2753 thereafter, if the amount of grant payable to a municipality in  
2754 accordance with this section is increased as the result of an  
2755 appropriation to the Mashantucket Pequot and Mohegan Fund for  
2756 such fiscal year which exceeds eighty-five million dollars, the portion

2757 of the grant payable to each eligible service district, in accordance with  
2758 subsections (a) and (c) of this section shall be increased by the same  
2759 proportion as the grant payable to such municipality under this section  
2760 as a result of said increased appropriation.

2761 [(j) For the fiscal year ending June 30, 2000, and each fiscal year  
2762 thereafter, the municipality of Ledyard shall receive a grant of two  
2763 hundred fifty thousand dollars, which shall be paid from the  
2764 Mashantucket Pequot and Mohegan Fund established by section 3-55i.  
2765 Said grant shall be in addition to the grants paid to said municipality  
2766 pursuant to subsections (a) to (h), inclusive, of this section.]

2767 (i) For the fiscal year ending June 30, 2003, and each fiscal year  
2768 thereafter, the municipalities of Ledyard, Montville, Norwich, North  
2769 Stonington and Preston shall each receive a grant of five hundred  
2770 thousand dollars which shall be paid from the Mashantucket Pequot  
2771 and Mohegan Fund established by section 3-55i and which shall be in  
2772 addition to the grants paid to said municipalities pursuant to  
2773 subsections (a) to (g), inclusive, of this section.

2774 [(k)] (j) For the fiscal [year] years ending June 30, 2000, [and each  
2775 fiscal year thereafter] June 30, 2001, and June 30, 2002, the sum of forty-  
2776 nine million seven hundred fifty thousand dollars shall be paid to  
2777 municipalities, and for the fiscal year ending June 30, 2003, and each  
2778 fiscal year thereafter, the sum of forty-seven million five hundred  
2779 thousand dollars shall be paid to municipalities, in accordance with  
2780 this subsection, from the Mashantucket Pequot and Mohegan Fund  
2781 established by section 3-55i. The grants payable under this subsection  
2782 shall be used to proportionately increase the amount of the grants  
2783 payable to each municipality in accordance with subsections (a) to [(j)]  
2784 (i), inclusive, of this section and shall be in addition to the grants  
2785 payable under [said] subsections (a) through (g), inclusive, of this  
2786 section.

2787 (k) The amount of the grant payable to each municipality in  
2788 accordance with subsection (j) of this section shall be reduced

2789 proportionately in the event that the total of the grants payable to each  
2790 municipality pursuant to this section exceeds the amount appropriated  
2791 for such grants with respect to such year.

2792       Sec. 82. (*Effective from passage*) During the fiscal year ending June 30,  
2793 2003, the Department of Higher Education shall evaluate the benefits  
2794 to the state of continued participation in the New England Board of  
2795 Higher Education.

2796       Sec. 83. Subsection (e) of section 46b-15 of the general statutes, as  
2797 amended by section 12 of public act 01-130, is repealed and the  
2798 following is substituted in lieu thereof (*Effective from passage*):

2799       (e) The applicant shall cause notice of the hearing pursuant to  
2800 subsection (b) of this section and a copy of the application and of any  
2801 ex parte order issued pursuant to subsection (b) of this section to be  
2802 served on the respondent not less than five days before the hearing.  
2803 The cost of such service shall be paid for by the judicial branch. Upon  
2804 the granting of an ex parte order, the clerk of the court shall provide  
2805 two certified copies of the order to the applicant and a copy to the  
2806 Family Division. Upon the granting of an order after notice and  
2807 hearing, the clerk of the court shall provide two certified copies of the  
2808 order to the applicant and a copy to the Family Division and a copy to  
2809 the respondent. Every order of the court made in accordance with this  
2810 section after notice and hearing shall contain the following language:  
2811 "This court had jurisdiction over the parties and the subject matter  
2812 when it issued this protection order. Respondent was afforded both  
2813 notice and opportunity to be heard in the hearing that gave rise to this  
2814 order. Pursuant to the Violence Against Women Act of 1994, 18 USC  
2815 2265, this order is valid and enforceable in all fifty states, any territory  
2816 or possession of the United States, the District of Columbia, the  
2817 Commonwealth of Puerto Rico and tribal lands." The clerk of the court  
2818 shall send a certified copy of any ex parte order and of any order after  
2819 notice and hearing to the law enforcement agency for the town in  
2820 which the applicant resides and, if the respondent resides in a town



2821 different than the town in which the applicant resides, to the law  
2822 enforcement agency for the town in which the respondent resides,  
2823 within forty-eight hours of the issuance of such order. If the applicant  
2824 is employed in a town different than the town in which the applicant  
2825 resides, the clerk of the court shall, upon the request of the applicant,  
2826 send a certified copy of any such order, to the law enforcement agency  
2827 for the town in which the applicant is employed within forty-eight  
2828 hours of the issuance of such order.

2829 Sec. 84. Section 54-250 of the general statutes, as amended by section  
2830 22 of public act 01-84, is repealed and the following is substituted in  
2831 lieu thereof (*Effective from passage*):

2832 For the purposes of sections 54-102g and 54-250 to 54-259, inclusive,  
2833 as amended by this act:

2834 (1) "Conviction" means a judgment entered by a court upon a plea of  
2835 guilty, a plea of nolo contendere or a finding of guilty by a jury or the  
2836 court notwithstanding any pending appeal or habeas corpus  
2837 proceeding arising from such judgment.

2838 (2) "Criminal offense against a victim who is a minor" means (A) a  
2839 violation of subdivision (2) of section 53-21 of the general statutes in  
2840 effect prior to October 1, 2000, subdivision (2) of subsection (a) of  
2841 section 53-21, subdivision (2) of subsection (a) of section 53a-70,  
2842 subdivision (1), (4) or (8) of subsection (a) of section 53a-71,  
2843 subdivision (2) of subsection (a) of section 53a-72a, subdivision (2) of  
2844 subsection (a) of section 53a-86, subdivision (2) of subsection (a) of  
2845 section 53a-87, section 53a-196a, 53a-196b, 53a-196c or 53a-196d, (B) a  
2846 violation of section 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-96 or  
2847 53a-186, provided the court makes a finding that, at the time of the  
2848 offense, the victim was under eighteen years of age, (C) a violation of  
2849 any of the offenses specified in subparagraph (A) or (B) of this  
2850 subdivision for which a person is criminally liable under section 53a-8,  
2851 53a-48 or 53a-49, or (D) a violation of any predecessor statute to any  
2852 offense specified in subparagraph (A), (B) or (C) of this subdivision the

2853 essential elements of which are substantially the same as said offense.

2854 (3) "Identifying factors" means fingerprints, a photographic image,  
2855 and a description of any other identifying characteristics as may be  
2856 required by the Commissioner of Public Safety. The commissioner  
2857 shall also require a sample of the registrant's blood taken for DNA  
2858 (deoxyribonucleic acid) analysis, unless such sample has been  
2859 previously obtained in accordance with section 54-102g.

2860 (4) "Mental abnormality" means a congenital or acquired condition  
2861 of a person that affects the emotional or volitional capacity of the  
2862 person in a manner that predisposes that person to the commission of  
2863 criminal sexual acts to a degree that makes the person a menace to the  
2864 health and safety of other persons.

2865 (5) "Nonviolent sexual offense" means a violation of section 53a-73a.

2866 (6) "Not guilty by reason of mental disease or defect" means a  
2867 finding by a court or jury of not guilty by reason of mental disease or  
2868 defect pursuant to section 53a-13 notwithstanding any pending appeal  
2869 or habeas corpus proceeding arising from such finding.

2870 (7) "Personality disorder" means a condition as defined in the most  
2871 recent edition of the Diagnostic and Statistical Manual of Mental  
2872 Disorders, published by the American Psychiatric Association.

2873 (8) "Registrant" means a person required to register under section  
2874 54-251, as amended by this act, 54-252, as amended by this act, 54-253,  
2875 as amended by this act, or 54-254, as amended by this act.

2876 (9) "Registry" means a central record system in this state, any other  
2877 state or the federal government that receives, maintains and  
2878 disseminates information on persons convicted or found not guilty by  
2879 reason of mental disease or defect of criminal offenses against victims  
2880 who are minors, nonviolent sexual offenses, sexually violent offenses  
2881 and felonies found by the sentencing court to have been committed for  
2882 a sexual purpose.

2883 (10) "Release into the community" means, with respect to a  
2884 conviction or a finding of not guilty by reason of mental disease or  
2885 defect of a criminal offense against a victim who is a minor, a  
2886 nonviolent sexual offense, a sexually violent offense or a felony found  
2887 by the sentencing court to have been committed for a sexual purpose,  
2888 (A) any release by a court after such conviction or finding of not guilty  
2889 by reason of mental disease or defect, a sentence of probation or any  
2890 other sentence under section 53a-28 that does not result in the  
2891 offender's immediate placement in the custody of the Commissioner of  
2892 Correction; (B) release from a correctional facility at the discretion of  
2893 the Board of Parole, by the Department of Correction to a program  
2894 authorized by section 18-100c or upon completion of the maximum  
2895 term or terms of the offender's sentence or sentences, or to the  
2896 supervision of the Office of Adult Probation in accordance with the  
2897 terms of the offender's sentence; or (C) release from a hospital for  
2898 mental illness or a facility for persons with mental retardation by the  
2899 Psychiatric Security Review Board on conditional release pursuant to  
2900 section 17a-588 or upon termination of commitment to the Psychiatric  
2901 Security Review Board.

2902 (11) "Sexually violent offense" means (A) a violation of section  
2903 53a-70, except subdivision (2) of subsection (a) of said section, 53a-70a,  
2904 53a-70b, 53a-71, except subdivision (1), (4) or (8) of subsection (a) of  
2905 said section, 53a-72a, except subdivision (2) of subsection (a) of said  
2906 section, or 53a-72b, or of section 53a-92 or 53a-92a, provided the court  
2907 makes a finding that the offense was committed with intent to sexually  
2908 violate or abuse the victim, (B) a violation of any of the offenses  
2909 specified in subparagraph (A) of this subdivision for which a person is  
2910 criminally liable under section 53a-8, 53a-48 or 53a-49, or (C) a  
2911 violation of any predecessor statute to any of the offenses specified in  
2912 subparagraph (A) or (B) of this subdivision the essential elements of  
2913 which are substantially the same as said offense.

2914 (12) "Sexual purpose" means that a purpose of the defendant in  
2915 committing the felony was to engage in sexual contact or sexual

2916 intercourse with another person without that person's consent. A  
2917 sexual purpose need not be the sole purpose of the commission of the  
2918 felony. The sexual purpose may arise at any time in the course of the  
2919 commission of the felony.

2920 (13) "Employed" or "carries on a vocation" means employment that  
2921 is full-time or part-time for more than fourteen days, or for a total  
2922 period of time of more than thirty days during any calendar year,  
2923 whether financially compensated, volunteered or for the purpose of  
2924 government or educational benefit.

2925 (14) "Student" means a person who is enrolled on a full-time or part-  
2926 time basis, in any public or private educational institution, including  
2927 any secondary school, trade or professional institution or institution of  
2928 higher learning.

2929 Sec. 85. Section 54-251 of the general statutes, as amended by section  
2930 1 of public act 01-211, is repealed and the following is substituted in  
2931 lieu thereof (*Effective from passage*):

2932 (a) Any person who has been convicted or found not guilty by  
2933 reason of mental disease or defect of a criminal offense against a victim  
2934 who is a minor or a nonviolent sexual offense, and is released into the  
2935 community on or after October 1, 1998, shall, within three days  
2936 following such release, and whether or not such person's place of  
2937 residence is in this state, register such person's name, identifying  
2938 factors, criminal history record and residence address with the  
2939 Commissioner of Public Safety, on such forms and in such locations as  
2940 the commissioner shall direct, and shall maintain such registration for  
2941 ten years except that any person who has one or more prior  
2942 convictions of any such offense or who is convicted of a violation of  
2943 subdivision (2) of subsection (a) of section 53a-70 shall maintain such  
2944 registration for life. Prior to accepting a plea of guilty or nolo  
2945 contendere from a person with respect to a criminal offense against a  
2946 victim who is a minor or a nonviolent sexual offense, the court shall (1)  
2947 inform the person that the entry of a finding of guilty after acceptance

2948 of the plea will subject the person to the registration requirements of  
2949 this section, and (2) determine that the person fully understands the  
2950 consequences of the plea. If such person changes such person's address  
2951 such person shall, within five days, register the new address in writing  
2952 with the Commissioner of Public Safety, and, if the new address is in  
2953 another state, such person shall also register with an appropriate  
2954 agency in that state, provided that state has a registration requirement  
2955 for such offenders. If any person who is subject to registration under  
2956 this section [regularly travels into or within another state or  
2957 temporarily resides in another state for purposes including, but not  
2958 limited to employment or schooling] is employed in another state,  
2959 carries on a vocation in another state or is a student in another state,  
2960 such person shall notify the Commissioner of Public Safety and shall  
2961 also register with an appropriate agency in that state provided that  
2962 state has a registration requirement for such offenders. During such  
2963 period of registration, each registrant shall complete and return forms  
2964 mailed to such registrant to verify such registrant's residence address  
2965 and shall submit to the retaking of a photographic image upon request  
2966 of the Commissioner of Public Safety. If any person who is subject to  
2967 registration under this section is employed at, carries on a vocation at  
2968 or is a student at a trade or professional institution or institution of  
2969 higher learning in this state, such person shall notify the  
2970 Commissioner of Public Safety of such status and of any change in  
2971 such status.

2972 (b) Notwithstanding the provisions of subsection (a) of this section,  
2973 the court may exempt any person who has been convicted or found  
2974 not guilty by reason of mental disease or defect of a violation of  
2975 subdivision (1) of subsection (a) of section 53a-71 from the registration  
2976 requirements of this section if the court finds that such person was  
2977 under nineteen years of age at the time of the offense and that  
2978 registration is not required for public safety.

2979 (c) Notwithstanding the provisions of subsection (a) of this section,  
2980 the court may exempt any person who has been convicted or found

2981 not guilty by reason of mental disease or defect of a violation of  
2982 subdivision (2) of subsection (a) of section 53a-73a from the  
2983 registration requirements of this section if the court finds that  
2984 registration is not required for public safety.

2985 (d) Any person who files an application with the court to be  
2986 exempted from the registration requirements of this section pursuant  
2987 to subsection (b) or (c) of this section shall, pursuant to subsection (b)  
2988 of section 54-227, notify the Office of Victim Services and the  
2989 Department of Correction of the filing of such application. The Office  
2990 of Victim Services or the Department of Correction, or both, shall,  
2991 pursuant to section 54-230 or section 6 of [this act] public act 01-211,  
2992 notify any victim who has requested notification of the filing of such  
2993 application. Prior to granting or denying such application, the court  
2994 shall consider any information or statement provided by the victim.

2995 (e) Any person who violates the provisions of subsection (a) of this  
2996 section shall be guilty of a class D felony.

2997 Sec. 86. Section 54-252 of the general statutes is repealed and the  
2998 following is substituted in lieu thereof (*Effective from passage*):

2999 (a) Any person who has been convicted or found not guilty by  
3000 reason of mental disease or defect of a sexually violent offense, and (1)  
3001 is released into the community on or after October 1, 1988, and prior to  
3002 October 1, 1998, and resides in this state, shall, on October 1, 1998, or  
3003 within three days of residing in this state, whichever is later, or (2) is  
3004 released into the community on or after October 1, 1998, shall, within  
3005 three days following such release, register such person's name,  
3006 identifying factors, criminal history record, documentation of any  
3007 treatment received for mental abnormality or personality disorder, and  
3008 residence address with the Commissioner of Public Safety on such  
3009 forms and in such locations as said commissioner shall direct, and shall  
3010 maintain such registration for life. Prior to accepting a plea of guilty or  
3011 nolo contendere from a person with respect to a sexually violent  
3012 offense, the court shall (A) inform the person that the entry of a finding

3013 of guilty after acceptance of the plea will subject the person to the  
3014 registration requirements of this section, and (B) determine that the  
3015 person fully understands the consequences of the plea. If such person  
3016 changes such person's address such person shall, within five days,  
3017 register the new address in writing with the Commissioner of Public  
3018 Safety, and, if the new address is in another state, such person shall  
3019 also register with an appropriate agency in that state, provided that  
3020 state has a registration requirement for such offenders. If any person  
3021 who is subject to registration under this section [regularly travels into  
3022 or within another state or temporarily resides in another state for  
3023 purposes including, but not limited to employment or schooling] is  
3024 employed in another state, carries on a vocation in another state or is a  
3025 student in another state, such person shall notify the Commissioner of  
3026 Public Safety and shall also register with an appropriate agency in that  
3027 state, provided that state has a registration requirement for such  
3028 offenders. During such period of registration, each registrant shall  
3029 complete and return forms mailed to such registrant to verify such  
3030 registrant's residence address and shall submit to the retaking of a  
3031 photographic image upon request of the Commissioner of Public  
3032 Safety. If any person who is subject to registration under this section is  
3033 employed at, carries on a vocation at or is a student at a trade or  
3034 professional institution or institution of higher learning in this state,  
3035 such person shall notify the Commissioner of Public Safety of such  
3036 status and of any change in such status.

3037 (b) Any person who has been subject to the registration  
3038 requirements of section 54-102r of the general statutes, revised to  
3039 January 1, 1997, as amended by section 1 of public act 97-183, shall, not  
3040 later than three working days after October 1, 1998, register under this  
3041 section and thereafter comply with the provisions of sections 54-102g  
3042 and 54-250 to 54-259, inclusive, as amended by this act.

3043 (c) Notwithstanding the provisions of subsections (a) and (b) of this  
3044 section, during the initial registration period following October 1, 1998,  
3045 the Commissioner of Public Safety may phase in completion of the

3046 registration procedure for persons released into the community prior  
3047 to said date over the first three months following said date, and no  
3048 such person shall be prosecuted for failure to register under this  
3049 section during those three months provided such person complies  
3050 with the directives of said commissioner regarding registration  
3051 procedures.

3052 (d) Any person who violates the provisions of this section shall be  
3053 guilty of a class D felony.

3054 Sec. 87. Section 54-253 of the general statutes is repealed and the  
3055 following is substituted in lieu thereof (*Effective from passage*):

3056 (a) Any person who has been convicted or found not guilty by  
3057 reason of mental disease or defect in any other state, in a federal or  
3058 military court or in any foreign jurisdiction of any crime, the essential  
3059 elements of which are substantially the same as any of the crimes  
3060 specified in subdivisions (2), (5) and (11) of section 54-250 and who  
3061 resides in this state on and after October 1, 1998, shall, within ten days  
3062 of residing in this state, register with the Commissioner of Public  
3063 Safety in the same manner as if such person had been convicted or  
3064 found not guilty by reason of mental disease or defect of such crime in  
3065 this state, except that for purposes of determining the ten-year period  
3066 of registration under section 54-251 such person shall be deemed to  
3067 have initially registered on the date of such person's release into the  
3068 community in such other state, federal or military system or foreign  
3069 jurisdiction.

3070 (b) Any person not a resident of this state who is registered as a  
3071 sexual offender under the laws of any other state and who [regularly  
3072 travels into or within this state or temporarily resides in this state for  
3073 purposes including, but not limited to employment or schooling] is  
3074 employed in this state, carries on a vocation in this state or is a student  
3075 in this state, shall, within [three] five days after the commencement of  
3076 such [travel or residence] employment, vocation or education in this  
3077 state, register such person's name, identifying factors, criminal history



3078 record, locations visited on a recurring basis or residence address, if  
 3079 any, in this state, and residence address in such person's home state  
 3080 with the Commissioner of Public Safety on such forms and in such  
 3081 locations as said commissioner shall direct and shall maintain such  
 3082 registration until such [travel or residence] employment, vocation or  
 3083 education terminates or until such person is released from registration  
 3084 as a sexual offender in such other state. If such person terminates such  
 3085 person's [travel or residence] employment, vocation or education in  
 3086 this state or changes such person's address in this state such person  
 3087 shall, within five days, provide notice in writing to the Commissioner  
 3088 of Public Safety.

3089 (c) If any person who is subject to registration under this section is  
 3090 employed at, carries on a vocation at or is a student at a trade or  
 3091 professional institution or institution of higher learning in this state,  
 3092 such person shall notify the Commissioner of Public Safety of such  
 3093 status and of any change in such status.

3094 (d) Any person not a resident of this state who is registered as a  
 3095 sexual offender under the laws of any other state and who travels in  
 3096 this state on a recurring basis for periods of less than five days shall  
 3097 notify the Commissioner of Public Safety of such person's temporary  
 3098 residence in this state and of a telephone number at which such person  
 3099 may be contacted.

3100 [(c)] (e) Any person who violates the provisions of this section shall  
 3101 be guilty of a class D felony.

3102 Sec. 88. Section 54-254 of the general statutes is repealed and the  
 3103 following is substituted in lieu thereof (*Effective from passage*):

3104 (a) Any person who has been convicted or found not guilty by  
 3105 reason of mental disease or defect in this state on or after October 1,  
 3106 1998, of any felony that the court finds was committed for a sexual  
 3107 purpose, may be required by the court upon release into the  
 3108 community to register such person's name, identifying factors,

3109 criminal history record and residence address with the Commissioner  
3110 of Public Safety, on such forms and in such locations as the  
3111 commissioner shall direct, and to maintain such registration for ten  
3112 years. If the court finds that a person has committed a felony for a  
3113 sexual purpose and intends to require such person to register under  
3114 this section, prior to accepting a plea of guilty or nolo contendere from  
3115 such person with respect to such felony, the court shall (1) inform the  
3116 person that the entry of a finding of guilty after acceptance of the plea  
3117 will subject the person to the registration requirements of this section,  
3118 and (2) determine that the person fully understands the consequences  
3119 of the plea. If such person changes such person's address such person  
3120 shall, within five days, register the new address in writing with the  
3121 Commissioner of Public Safety, and, if the new address is in another  
3122 state, such person shall also register with an appropriate agency in that  
3123 state, provided that state has a registration requirement for such  
3124 offenders. If any person who is subject to registration under this  
3125 section is employed at, carries on a vocation at or is a student at a trade  
3126 or professional institution or institution of higher learning in this state,  
3127 such person shall notify the Commissioner of Public Safety of such  
3128 status and of any change in such status. If any person who is subject to  
3129 registration under this section [regularly travels into or within another  
3130 state or temporarily resides in another state for purposes including,  
3131 but not limited to employment or schooling] is employed in another  
3132 state, carries on a vocation in another state or is a student in another  
3133 state, such person shall notify the Commissioner of Public Safety and  
3134 shall also register with an appropriate agency in that state, provided  
3135 that state has a registration requirement for such offenders. During  
3136 such period of registration, each registrant shall complete and return  
3137 forms mailed to such registrant to verify such registrant's residence  
3138 address and shall submit to the retaking of a photographic image upon  
3139 request of the Commissioner of Public Safety.

3140 (b) Any person who violates the provisions of this section shall be  
3141 guilty of a class D felony.

3142       Sec. 89. Section 54-256 of the general statutes is repealed and the  
3143       following is substituted in lieu thereof (*Effective from passage*):

3144       Any court, the Commissioner of Correction or the Psychiatric  
3145       Security Review Board, prior to releasing into the community any  
3146       person convicted or found not guilty by reason of mental disease or  
3147       defect of a criminal offense against a victim who is a minor, a  
3148       nonviolent sexual offense, a sexually violent offense or a felony found  
3149       by the sentencing court to have been committed for a sexual purpose,  
3150       except a person being released unconditionally at the conclusion of  
3151       such person's sentence or commitment, shall require as a condition of  
3152       such release that such person complete the registration procedure  
3153       established by the Commissioner of Public Safety under sections  
3154       54-251, as amended by this act, 54-252, as amended by this act, and  
3155       54-254, as amended by this act. The court, the Commissioner of  
3156       Correction or the Psychiatric Security Review Board, as the case may  
3157       be, shall provide the person with a written summary of the person's  
3158       obligations under sections 54-102g and 54-250 to 54-259, inclusive, as  
3159       amended by this act, and transmit the completed registration package  
3160       to the Commissioner of Public Safety who shall enter the information  
3161       into the registry established under section 54-257, as amended by this  
3162       act. If a court transmits the completed registration package to the  
3163       Commissioner of Public Safety with respect to a person released by the  
3164       court, such package need not include identifying factors for such  
3165       person. In the case of a person being released unconditionally who  
3166       declines to complete the registration package through the court or the  
3167       releasing agency, the court or agency shall: (1) Except with respect to  
3168       information that is not available to the public pursuant to court order,  
3169       rule of court or any provision of the general statutes, provide to the  
3170       Commissioner of Public Safety the person's name, date of release into  
3171       the community, anticipated residence address, if known, criminal  
3172       history record, any known treatment history and any other relevant  
3173       information; (2) inform the person that such person has an obligation  
3174       to register within three days with the Commissioner of Public Safety  
3175       for a period of ten years following the date of such person's release or

3176 for life, as the case may be, and that if such person changes such  
3177 person's address such person shall within five days register the new  
3178 address in writing with the Commissioner of Public Safety and, if the  
3179 new address is in another state or if such person [regularly travels into  
3180 or within another state or temporarily resides in another state for  
3181 purposes including, but not limited to employment or schooling] is  
3182 employed in another state, carries on a vocation in another state or is a  
3183 student in another state, such person shall also register with an  
3184 appropriate agency in that state, provided that state has a registration  
3185 requirement for such offenders; (3) provide the person with a written  
3186 summary of the person's obligations under sections 54-102g and 54-250  
3187 to 54-259, inclusive, as amended by this act, as explained to the person  
3188 under subdivision (2) of this section; and (4) make a specific notation  
3189 on the record maintained by that agency with respect to such person  
3190 that the registration requirements were explained to such person and  
3191 that such person was provided with a written summary of such  
3192 person's obligations under sections 54-102g and 54-250 to 54-259,  
3193 inclusive, as amended by this act.

3194 Sec. 90. Section 54-257 of the general statutes is repealed and the  
3195 following is substituted in lieu thereof (*Effective from passage*):

3196 (a) The Department of Public Safety shall, not later than January 1,  
3197 1999, establish and maintain a registry of all persons required to  
3198 register under sections 54-251, as amended by this act, 54-252, as  
3199 amended by this act, 54-253, as amended by this act, and 54-254, as  
3200 amended by this act. The department shall, in cooperation with the  
3201 Office of the Chief Court Administrator, the Department of Correction  
3202 and the Psychiatric Security Review Board, develop appropriate forms  
3203 for use by agencies and individuals to report registration information,  
3204 including changes of address. Upon receipt of registration information,  
3205 the department shall enter the information into the registry and notify  
3206 the local police department or state police troop having jurisdiction  
3207 where the registrant resides or plans to reside. If a registrant notifies  
3208 the Department of Public Safety that such registrant is employed at,

3209 carries on a vocation at or is a student at a trade or professional  
3210 institution or institution of higher learning in this state, the department  
3211 shall notify the law enforcement agency with jurisdiction over such  
3212 institution. If a registrant reports a residence in another state, the  
3213 department shall notify the state police agency of that state or such  
3214 other agency in that state that maintains registry information, if  
3215 known. The department shall also transmit all registration information,  
3216 conviction data, photographic images and fingerprints to the Federal  
3217 Bureau of Investigation in such form as said bureau shall require for  
3218 inclusion in a national registry.

3219 (b) The Department of Public Safety may suspend the registration of  
3220 any person registered under section 54-251, as amended by this act, 54-  
3221 252, as amended by this act, 54-253, as amended by this act, or 54-254,  
3222 as amended by this act, while such person is incarcerated, under civil  
3223 commitment or residing outside this state. During the period that such  
3224 registration is under suspension, the department is not required to  
3225 verify the address of the registrant pursuant to subsection (c) of this  
3226 section and may withdraw the registration information from public  
3227 access. Upon the release of the registrant from incarceration or civil  
3228 commitment or resumption of residency in this state by the registrant,  
3229 the department shall reinstate the registration, redistribute the  
3230 registration information in accordance with subsection (a) of this  
3231 section and resume verifying the address of the registrant in  
3232 accordance with subsection (c) of this section. Suspension of  
3233 registration shall not affect the date of expiration of the registration  
3234 obligation of the registrant under section 54-251, as amended by this  
3235 act, 54-252, as amended by this act, or 54-253, as amended by this act.

3236 (c) Except as provided in subsection (b) of this section, the  
3237 Department of Public Safety shall verify the address of each registrant  
3238 by mailing a nonforwardable verification form to the registrant at the  
3239 registrant's last reported address. Such form shall require the registrant  
3240 to sign a statement that the registrant continues to reside at the  
3241 registrant's last reported address and return the form by mail by a date

3242 which is ten days after the date such form was mailed to the registrant.  
 3243 The form shall contain a statement that failure to return the form or  
 3244 providing false information is a violation of section 54-251, as  
 3245 amended by this act, 54-252, as amended by this act, 54-253, as  
 3246 amended by this act, or 54-254, as amended by this act, as the case may  
 3247 be. Each person required to register under section 54-251, as amended  
 3248 by this act, 54-252, as amended by this act, 54-253, as amended by this  
 3249 act, or 54-254, as amended by this act, shall have such person's address  
 3250 verified in such manner [annually on the anniversary of such person's  
 3251 initial registration date. Each person required to register under section  
 3252 54-252 shall have such person's address verified in such manner every  
 3253 ninety days after such person's initial registration date. Each person  
 3254 required to register under section 54-253 shall have such person's  
 3255 address verified in such manner either annually on the anniversary of  
 3256 such person's initial registration date or every ninety days after such  
 3257 person's initial registration date depending upon whether, after such  
 3258 initial registration, such person is subject to the requirements of section  
 3259 54-251 or section 54-252, respectively] every ninety days after such  
 3260 person's initial registration date. In the event that a registrant fails to  
 3261 return the address verification form, the Department of Public Safety  
 3262 shall notify the local police department or the state police troop having  
 3263 jurisdiction over the registrant's last reported address, and that agency  
 3264 shall apply for a warrant to be issued for the registrant's arrest under  
 3265 section 54-251, as amended by this act, 54-252, as amended by this act,  
 3266 54-253, as amended by this act, or 54-254, as amended by this act, as  
 3267 the case may be. The Department of Public Safety shall not verify the  
 3268 address of registrants whose last reported address was outside this  
 3269 state.

3270 (d) The Department of Public Safety shall retake the photographic  
 3271 image of each registrant at least once every five years.

3272 Sec. 91. (NEW) (*Effective from passage*) (a) As used in this section,  
 3273 "juice bar or similar facility" means an area in which nonalcoholic  
 3274 beverages are served to minors. The holder of a cafe permit may

3275 operate a juice bar or similar facility at a permit premises if the juice  
3276 bar or similar facility is limited to a room or rooms or separate area  
3277 within the permit premises wherein there is no sale, consumption,  
3278 dispensing or presence of alcoholic liquor.

3279 (b) The holder of a cafe permit shall notify and inform local police in  
3280 advance of specific dates and hours of any scheduled event at which  
3281 the premises or a portion thereof will be used as a juice bar or similar  
3282 facility.

3283 (c) Nothing in this section shall exempt the holder of a cafe permit  
3284 from compliance with any other provisions of the general statutes or  
3285 regulations of Connecticut state agencies concerning minors,  
3286 including, but not limited to, the prohibition against the sale of  
3287 alcoholic liquor to minors. The presence of alcoholic liquor or the sale  
3288 or dispensing to or consumption of alcoholic liquor by a minor at a  
3289 juice bar or similar facility is prohibited.

3290 Sec. 92. (*Effective from passage*) (a) For the fiscal years ending June 30,  
3291 2003, and June 30, 2004, the sum of \$13,339,405 received by the state of  
3292 Connecticut, from the federal government, for bonus payments for  
3293 welfare to work, is deemed to be appropriated as follows, to be used  
3294 for the purposes of the TANF Program, as defined in Public Law 104-  
3295 193:

T29		\$	
T30	Welfare to Work Reverse Commuting		2,000,000
T31	Reopening of the Child Care Certificate		
T32	Program		4,000,000
T33	Enhanced provision of Grants Funds to		
T34	Address barriered TANF Clients		1,800,000
T35	Enhanced Assessment and Case Management		1,900,000
T36	Fatherhood/Research and Demonstration		
T37	Projects		600,000
T38	Rental Assistance Vouchers and T-Rap		2,000,000
T39	CT Charts-A-Course		539,405
T40	Jobs Funnel		500,000

3296 (b) Such funds shall not lapse on June 30, 2003, and shall continue to  
 3297 be available for expenditure for such purposes during the fiscal year  
 3298 ending June 30, 2004.

3299 (c) Up to \$250,000 per year of the funds for Rental Assistance  
 3300 Vouchers and T-Rap shall be used for individuals who are no longer  
 3301 eligible for temporary assistance because they have reached the  
 3302 maximum number of months of eligibility or the maximum number of  
 3303 extensions for which they are eligible.

3304 (d) The sum of \$400,000 of the funds for Enhanced Assessment and  
 3305 Case Management shall be allocated to Community Action (CAP)  
 3306 agencies for enhanced assessment and job training programs for TFA  
 3307 clients.

3308 Sec. 93. (*Effective from passage*) During the fiscal year ending June 30,  
 3309 2003, the following sums shall be distributed to the following towns  
 3310 from the amount appropriated to the Office of Policy and Management  
 3311 in section 17 of public act 02-1 of the May 9 special session, for Local  
 3312 Aid Adjustment:

T41		\$	
T42	Bethany		604
T43	Bridgeport		100,000
T44	Cheshire		3,622
T45	Greenwich		450
T46	Ledyard		234,233
T47	New London		724,265
T48	Plainfield		100,000
T49	Somers		2,843
T50	Suffield		2,447

3313 Sec. 94. Section 17b-279 of the general statutes is repealed and the  
 3314 following is substituted in lieu thereof (*Effective September 1, 2002*):

3315 The Commissioner of Social Services shall verify the propriety and  
 3316 reasonableness of payments to providers for drugs provided to



3317 Medicaid recipients [, including the generic incentive dispensing fee,]  
3318 through field audit examinations and other reasonable means to the  
3319 extent possible within available appropriations. The commissioner  
3320 shall document financial and utilization statistics as to drugs provided  
3321 to Medicaid recipients by therapeutic category and shall outline  
3322 problems encountered in the administration of prescription drug  
3323 utilization in the Medicaid program, suggested solutions and any  
3324 recommendations for improvement. The commissioner shall submit a  
3325 report, on or before February 15, 1990, and annually thereafter,  
3326 documenting the results of the verification process, the financial and  
3327 utilization statistics, the problems encountered, suggested solutions  
3328 and recommendations to the joint standing committee of the General  
3329 Assembly having cognizance of matters relating to human services and  
3330 appropriations.

3331       Sec. 95. (*Effective from passage*) Notwithstanding the provisions of the  
3332 general statutes, for the fiscal year ending June 30, 2003, the amount of  
3333 the grant payable to each municipality in accordance with subsection  
3334 (c) of section 12-81g, subsection (g) of section 12-170aa, of the general  
3335 statutes, section 12-94a, 12-94b, 12-129d, 19a-202, 19a-202a, 19a-245 or  
3336 32-9s of the general statutes, as amended, shall be reduced  
3337 proportionately to remain within the available appropriation.

3338       Sec. 96. (*Effective from passage*) Notwithstanding any provision of the  
3339 general statutes or any provision of any public or special act, any  
3340 reduction of allotments included in subsection (e) of section 4-85 of the  
3341 general statutes that is taken in accordance with section 52 of public act  
3342 02-1 of the May 9 special session, shall be proportionately reduced to  
3343 remain within the revised allotment.

3344       Sec. 97. Section 31-71b of the general statutes is amended by adding  
3345 subsection (d) as follows (*Effective from passage*):

3346       (NEW) (d) Nothing in this section shall be construed to apply to  
3347 employees swapping workdays or shifts as permitted under a  
3348 collective bargaining agreement.

3349       Sec. 98. (*Effective from passage*) The unexpended balance of funds  
3350 appropriated to State Employees Health Service Cost, for Other  
3351 Expenses, in section 1 of special act 01-1 of the June special session,  
3352 shall not lapse on June 30, 2002, and the unexpended balance of funds  
3353 transferred to State Employees Health Service Cost, for Other  
3354 Expenses, in section 12 of public act 02-1 of the May 9 special session,  
3355 shall not lapse on July 31, 2002, and such funds shall continue to be  
3356 available for expenditure for such purpose during the fiscal year  
3357 ending June 30, 2003.

3358       Sec. 99. Section 46a-55 of the general statutes is repealed and the  
3359 following is substituted in lieu thereof (*Effective from passage*):

3360       The commission counsel shall represent the commission in any  
3361 proceeding wherein any state agency or state officer is an adversary  
3362 party and may represent the commission in such other matters as the  
3363 commission and the Attorney General may jointly prescribe. The  
3364 commission counsel shall be a member of the bar of this state and shall  
3365 report to the executive director on a day-to-day basis. The executive  
3366 director shall evaluate the performance of the commission counsel.

3367       Sec. 100. Section 46a-57 of the general statutes, as amended by  
3368 section 5 of public act 01-9 of the June special session, is repealed and  
3369 the following is substituted in lieu thereof (*Effective from passage*):

3370       (a) (1) The Governor shall appoint three human rights referees for  
3371 terms commencing October 1, 1998, and four human rights referees for  
3372 terms commencing January 1, 1999. The human rights referees so  
3373 appointed shall serve for a term of one year.

3374       (2) (A) On and after October 1, 1999, the Governor shall appoint  
3375 seven human rights referees with the advice and consent of both  
3376 houses of the General Assembly. The Governor shall appoint three  
3377 human rights referees to serve for a term of two years commencing  
3378 October 1, 1999. The Governor shall appoint four human rights  
3379 referees to serve for a term of three years commencing January 1, 2000.

3380 Thereafter, human rights referees shall serve for a term of three years.  
3381 [The Governor may remove any human rights referee for cause.]

3382 (B) On and after July 1, 2001, there shall be five human rights  
3383 referees. Each of the human rights referees serving on July 1, 2001,  
3384 shall complete the term to which such referee was appointed.  
3385 Thereafter, human rights referees shall be appointed by the Governor,  
3386 with the advice and consent of both houses of the General Assembly,  
3387 to serve for a term of three years.

3388 (3) When the General Assembly is not in session, any vacancy shall  
3389 be filled pursuant to the provisions of section 4-19. The Governor may  
3390 remove any human rights referee for cause.

3391 (b) Human rights referees shall serve full-time and shall conduct the  
3392 settlement negotiations and hearings authorized by the provisions of  
3393 this chapter. A human rights referee shall have the powers granted to  
3394 hearing officers and presiding officers by chapter 54 and this chapter.  
3395 A human rights referee shall be an attorney admitted to the practice of  
3396 law in this state. Any commissioner of the Superior Court who is able  
3397 and willing to hear discriminatory practice complaints may submit his  
3398 or her name to the Governor for consideration for appointment as a  
3399 human rights referee. No human rights referee shall appear before the  
3400 commission or another hearing officer for one year after leaving office.

3401 [(c) The Chief Human Rights Referee and each full-time human  
3402 rights referee shall receive an annual salary equivalent to that set forth  
3403 in subsection (h) of section 46b-231 and shall be entitled to the fringe  
3404 benefits available to other state employees. The cost of stenographic  
3405 and clerical assistance, equipment and supplies shall be paid by the  
3406 state upon the approval of the Commissioner of Administrative  
3407 Services. The budget for human rights referees shall be a separate line  
3408 item within the budget of the commission.]

3409 [(d)] (c) On or after October 1, 1998, the executive director shall  
3410 designate one human rights referee to serve as Chief Human Rights

3411 Referee for a term of one year. The Chief Human Rights Referee, in  
3412 consultation with the executive director, shall supervise and assign the  
3413 human rights referees to conduct settlement negotiations and hearings  
3414 on complaints, including complaints for which a trial on the merits has  
3415 not commenced prior to October 1, 1998, on a rotating basis. The  
3416 commission, in consultation with the executive director and Chief  
3417 Human Rights Referee, shall [develop] adopt regulations and rules of  
3418 practice, in accordance with chapter 54, to ensure consistent  
3419 procedures governing contested case proceedings.

3420 [(e) Part-time hearing officers serving on July 1, 1998, shall continue  
3421 to serve until all cases assigned to any such part-time hearing officer  
3422 are completed. If a part-time hearing officer believes that a case should  
3423 be transferred to a human rights referee, the part-time hearing officer  
3424 shall solicit the views of the parties and submit a recommendation to  
3425 the Chief Human Rights Referee. The Chief Human Rights Referee  
3426 shall determine whether the case should be assigned to any human  
3427 rights referee or whether such case should remain with such part-time  
3428 hearing officer.

3429 (f) Each part-time hearing officer and each commissioner shall  
3430 receive one hundred twenty-five dollars per day for each day on which  
3431 he or she conducts hearings and, upon presentation of adequate  
3432 documentation, compensation in the amount of one hundred twenty-  
3433 five dollars per day prorated for the time during each day on which  
3434 the officer or commissioner is not conducting hearings but is engaged  
3435 in the preparation of findings, decisions, orders or rulings, and their  
3436 reasonable expenses, including necessary stenographic and clerical  
3437 help, shall be paid by the state upon approval of the Commissioner of  
3438 Administrative Services.]

3439 [(g)] (d) When serving as a presiding officer as provided in section  
3440 46a-84, each human rights referee or hearing officer shall have the  
3441 same subpoena powers as are granted to commissioners by  
3442 subdivision (9) of section 46a-54, as amended. Each presiding officer

3443 shall also have the power to determine a reasonable fee to be paid to  
3444 an expert witness, including, but not limited to, any practitioner of the  
3445 healing arts, as defined in section 20-1, dentist, registered nurse or  
3446 licensed practical nurse, as defined in section 20-87a, and real estate  
3447 appraiser when any such expert witness is summoned by the  
3448 commission to give expert testimony, in person or by deposition, in  
3449 any contested case proceeding, pursuant to section 46a-84. [Said] Such  
3450 fee shall be paid to the expert witness in lieu of all other witness fees.

3451       Sec. 101. (*Effective from passage*) For the fiscal year ending June 30,  
3452 2003, the sum of \$345,000 of the amount of the fees collected by the  
3453 Department of Public Health pursuant to section 1 of public act 02-113  
3454 shall be credited to the appropriation to the Department of Public  
3455 Health, for Other Expenses, for expenditure to implement the  
3456 provisions of public act 02-113.

3457       Sec. 102. Section 19a-122b of the general statutes is repealed and the  
3458 following is substituted in lieu thereof (*Effective from passage*):

3459       Notwithstanding the provisions of chapters 368v and 368z, an  
3460 organization licensed as a hospice pursuant to the Public Health Code  
3461 or certified as a hospice pursuant to 42 USC Section 1395x, shall be  
3462 authorized, until October 1, [2001] 2006, to operate on a pilot basis a  
3463 residence for terminally ill persons, for the purpose of providing  
3464 hospice home care arrangements including, but not limited to, hospice  
3465 home care services and supplemental services. Such arrangements  
3466 shall be provided to those patients who would otherwise receive such  
3467 care from family members. The residence shall provide a homelike  
3468 atmosphere for such patients for a time period deemed appropriate for  
3469 home health care services under like circumstances. Any hospice  
3470 which operates a residence pursuant to the provisions of this section  
3471 shall cooperate with the Commissioner of Public Health to develop  
3472 standards for the licensure and operation of such homes.

3473       Sec. 103. Section 4-212 of the general statutes is repealed and the  
3474 following is substituted in lieu thereof (*Effective from passage*):

3475 As used in sections 4-212 to 4-219, inclusive:

3476 (1) "Competitive negotiation" means a procedure for contracting for  
3477 services in which (A) proposals are solicited from qualified persons,  
3478 firms or corporations by a request for proposals and (B) changes may  
3479 be negotiated in proposals and prices after being submitted.

3480 (2) "Personal service contractor" means any person, firm or  
3481 corporation not employed by the state, who is hired by a state agency  
3482 for a fee to provide services to the agency. The term "personal service  
3483 contractor" shall not include (A) a person, firm or corporation  
3484 providing "contractual services", as defined in section 4a-50, to the  
3485 state, (B) a "consultant", as defined in section 4b-55, as amended, (C) a  
3486 "consultant", as defined in section 13b-20b, providing services to the  
3487 Department of Transportation, [or] (D) an agency of the federal  
3488 government, of the state or of a political subdivision of the state, or (E)  
3489 consultant services for information and telecommunications systems  
3490 authorized under subdivision (5) of subsection (c) of section 4d-2.

3491 (3) "Personal service agreement" means a written agreement  
3492 defining the services or end product to be delivered by a personal  
3493 service contractor to a state agency, excluding any agreement with a  
3494 personal service contractor that the state accounting manual does not  
3495 require to be submitted to the Comptroller.

3496 (4) "Secretary" means the Secretary of the Office of Policy and  
3497 Management.

3498 (5) "State agency" means a department, board, council, commission,  
3499 institution or other agency of the Executive Department of the state  
3500 government.

3501 Sec. 104. (NEW) (*Effective from passage*) (a) Notwithstanding any  
3502 provision of the general statutes, for the duration of a demonstration  
3503 project established pursuant to 42 USC 1359b-1 for the purpose of  
3504 improving the efficiency of the process for the payment of claims for

3505 home health services provided to individuals eligible for both  
3506 Medicare and Medicaid: (1) No eligible recipient of home health  
3507 services shall be liable for reimbursement to the state for the cost of  
3508 those services; and (2) the Commissioner of Social Services may  
3509 impose upon a provider of home health services a sanction of up to  
3510 fifty thousand dollars for each failure to file claims or medical records  
3511 as required under the provisions of the demonstration project. Any  
3512 sanction imposed pursuant to this section may be recouped from  
3513 ongoing payments to the provider of the services.

3514 (b) The Commissioner of Social Services may, pursuant to an  
3515 agreement with the Center for Medicare and Medicaid Services, waive  
3516 liability for reimbursement to the state for payment for home health  
3517 services received by an otherwise liable eligible recipient to whom  
3518 such services were provided during the interim period from October 1,  
3519 1997, to September 30, 2000, inclusive.

3520 Sec. 105. (*Effective from passage*) (NEW) (a) There is established a  
3521 separate nonlapsing account within the General Fund to be known as  
3522 the Ed-Net account. Any reimbursements received by the Department  
3523 of Information Technology for costs associated with the Connecticut  
3524 Education Network shall be deposited in the General Fund and  
3525 credited to the Ed-Net account to be used by said department to  
3526 support the costs of said network.

3527 (b) The funds made available to the Department of Information  
3528 Technology in subsection (a) of this section, for Ed-Net, may be  
3529 transferred by said department to state agencies requiring funds for  
3530 such purpose.

3531 Sec. 106. (*Effective from passage*) For the fiscal year ending June 30,  
3532 2003, after all required payments are made from the Local Aid  
3533 Adjustment account, the Secretary of the Office of Policy and  
3534 Management may, with approval of the Finance Advisory Committee,  
3535 transfer the balance of funds transferred to the Office of Policy and  
3536 Management in section 17 of public act 02-1 of the May 9 special

3537 session and carried forward by said section to State Employees Health  
3538 Service Cost, for Other Expenses.

3539 Sec. 107. Section 4-28j of the general statutes is repealed and the  
3540 following is substituted in lieu thereof (*Effective October 1, 2002*):

3541 (a) Each tobacco product manufacturer that elects to place funds  
3542 into escrow pursuant to section 4-28i, as amended, shall annually  
3543 certify to the Attorney General that it is in compliance with said  
3544 section 4-28i.

3545 (b) The Attorney General may bring a civil action on behalf of the  
3546 state against any tobacco product manufacturer that fails to place into  
3547 escrow the funds required under section 4-28i, as amended. Any  
3548 tobacco product manufacturer that fails in any year to place into  
3549 escrow the funds required under section 4-28i, as amended, shall (1) be  
3550 required within fifteen days to place such funds into escrow as shall  
3551 bring it into compliance with section 4-28i, as amended. The court,  
3552 upon a finding of a violation of this subsection, may impose a civil  
3553 penalty in an amount not to exceed five per cent of the amount  
3554 improperly withheld from escrow per day of the violation and in a  
3555 total amount not to exceed one hundred per cent of the original  
3556 amount improperly withheld from escrow; (2) in the case of a knowing  
3557 violation, be required within fifteen days to place such funds into  
3558 escrow as shall bring it into compliance with section 4-28i, as  
3559 amended. The court, upon a finding of a knowing violation of this  
3560 subsection, may impose a civil penalty in an amount not to exceed  
3561 fifteen per cent of the amount improperly withheld from escrow per  
3562 day of the violation and in a total amount not to exceed three hundred  
3563 per cent of the original amount improperly withheld from escrow; and  
3564 (3) in the case of a second knowing violation, be prohibited from  
3565 selling cigarettes to consumers within the state, whether directly or  
3566 through a distributor, dealer or similar intermediary, for a period not  
3567 to exceed two years. All costs, fees and expenses in connection with  
3568 such action shall be assessed as damages against the tobacco product



3569 manufacturer together with reasonable attorney's fees.

3570 (c) Each failure to make an annual deposit required under section 4-  
3571 28i, as amended, shall constitute a separate violation.

3572 Sec. 108. Section 12-302 of the general statutes is repealed and the  
3573 following is substituted in lieu thereof (*Effective October 1, 2002*):

3574 (a) Except as otherwise provided in subsection (b) of this section,  
3575 each distributor shall affix, or cause to be affixed, at the location for  
3576 which such distributor's license is issued, in such manner as the  
3577 commissioner may specify in regulations issued pursuant to this  
3578 chapter, to each individual package of cigarettes sold or distributed by  
3579 the distributor, stamps of the proper denomination, as required by  
3580 section 12-296. Such stamps may be affixed by a distributor at any time  
3581 before the cigarettes are transferred out of the distributor's possession.

3582 (b) No distributor shall affix, or cause to be affixed, to a package of  
3583 cigarettes sold or distributed by such distributor, stamps, if the  
3584 package (1) is not labeled in conformity with the requirements of the  
3585 federal Cigarette Labeling and Advertising Act, 79 Stat. 282, 15 USC  
3586 1331 et seq., or any other federal requirement for the placement of  
3587 labels, warnings and other information, applicable to packages of  
3588 cigarettes that are intended to be sold within the United States; (2)  
3589 bears any label or notice prescribed by the United States Department  
3590 of Treasury to identify cigarettes intended for export and exempt from  
3591 tax by the United States pursuant to 26 USC 5704(b), including "For  
3592 export only", "U.S. Tax-exempt", "For use outside U.S." or similar  
3593 wording indicating that the manufacturer did not intend that the  
3594 product be sold within the United States, including any notice or label  
3595 described in 27 CFR 290.185; (3) has been imported into the United  
3596 States after January 1, 2000, in violation of 26 USC 5754 or regulations  
3597 adopted thereunder; (4) in any way violates federal trademark or  
3598 copyright law or if all federal taxes due have not been paid on the  
3599 cigarettes; [or] (5) has been modified or altered by a person other than  
3600 the manufacturer or person specifically authorized by the

3601 manufacturer, including modification or alteration by the placement of  
 3602 a sticker or label to cover information, including the wording, labels or  
 3603 warnings described in subdivision (1) or (2) of this subsection, on the  
 3604 package; or (6) has been manufactured or sold by a tobacco product  
 3605 manufacturer that is in violation of subdivision (2) of subsection (a) of  
 3606 section 4-28i, as amended, or section 4-28j, as amended by this act, and  
 3607 the distributor has been notified by the commissioner of such  
 3608 violation. Notwithstanding the provisions of section 12-15, as  
 3609 amended, the commissioner may disclose to the public the name of  
 3610 any person who has violated the provisions of section 4-28i, as  
 3611 amended, or section 4-28j, as amended by this act.

3612 Sec. 109. Section 12-303 of the general statutes is repealed and the  
 3613 following is substituted in lieu thereof (*Effective October 1, 2002*):

3614 (a) Except as otherwise provided in subsection (b) of this section,  
 3615 each dealer shall, within twenty-four hours after coming into  
 3616 possession of any cigarettes not bearing proper stamps evidencing  
 3617 payment of the tax imposed by this chapter, and before selling such  
 3618 cigarettes, affix or cause to be affixed, at the location for which such  
 3619 dealer's license is issued, in such manner as the commissioner may  
 3620 specify in regulations issued pursuant to this chapter, to each  
 3621 individual package of cigarettes, stamps of the proper denomination,  
 3622 as required by section 12-296.

3623 (b) No dealer shall affix, or cause to be affixed, to a package of  
 3624 cigarettes sold or distributed by such dealer, stamps, if the package (1)  
 3625 is not labeled in conformity with the requirements of the federal  
 3626 Cigarette Labeling and Advertising Act, 79 Stat. 282, 15 USC 1331 et  
 3627 seq., or any other federal requirement for the placement of labels,  
 3628 warnings and other information, applicable to packages of cigarettes  
 3629 that are intended to be sold within the United States; (2) bears any  
 3630 label or notice prescribed by the United States Department of Treasury  
 3631 to identify cigarettes intended for export and exempt from tax by the  
 3632 United States pursuant to 26 USC 5704(b), including "For export only",

3633 "U.S. Tax-exempt", "For use outside U.S." or similar wording indicating  
 3634 that the manufacturer did not intend that the product be sold within  
 3635 the United States, including any notice or label described in 27 CFR  
 3636 290.185; (3) has been imported into the United States after January 1,  
 3637 2000, in violation of 26 USC 5754 or regulations adopted thereunder;  
 3638 (4) in any way violates federal trademark or copyright law or if all  
 3639 federal taxes due have not been paid on the cigarettes; [or] (5) has been  
 3640 modified or altered by a person other than the manufacturer or person  
 3641 specifically authorized by the manufacturer, including modification or  
 3642 alteration by the placement of a sticker or label to cover information,  
 3643 including the wording, labels or warnings described in subdivision (1)  
 3644 or (2) of this subsection, on the package; or (6) has been manufactured  
 3645 or sold by a tobacco product manufacturer that is in violation of  
 3646 subdivision (2) of subsection (a) of section 4-28i, as amended, or  
 3647 section 4-28j, as amended by this act, and the dealer has been notified  
 3648 by the commissioner of such violation. Notwithstanding the provisions  
 3649 of section 12-15, as amended, the commissioner may disclose to the  
 3650 public the name of any person who has violated the provisions of  
 3651 section 4-28i, as amended, or section 4-28j, as amended by this act.

3652 Sec. 110. (NEW) (*Effective from passage*) Not later than September 30,  
 3653 2002, the Commissioner of Social Services shall submit an amendment  
 3654 to the Medicaid state plan to implement the provisions of public act 02-  
 3655 1 of the May 9 special session concerning optional services under the  
 3656 Medicaid program. Said state plan amendment shall supercede any  
 3657 regulations of Connecticut state agencies concerning such optional  
 3658 services.

3659 Sec. 111. Subsection (b) of section 76 of public act 01-9 of the June  
 3660 special session is repealed and the following is substituted in lieu  
 3661 thereof (*Effective from passage*):

3662 (b) The Commissioner of Correction shall [, within available  
 3663 appropriations,] contract for the provision of ombudsman services and  
 3664 shall annually report the name of the person or persons with whom

3665 the department has so contracted to the joint standing committee of the  
3666 General Assembly having cognizance of matters relating to the  
3667 Department of Correction in accordance with the provisions of section  
3668 11-4a of the general statutes.

3669 Sec. 112. Subsections (a) to (c), inclusive, of section 10-264l of the  
3670 general statutes are repealed and the following is substituted in lieu  
3671 thereof (*Effective from passage*):

3672 (a) The Department of Education shall, within available  
3673 appropriations, establish a grant program to assist local and regional  
3674 boards of education, regional educational service centers and  
3675 cooperative arrangements pursuant to section 10-158a with the  
3676 operation of interdistrict magnet school programs. For the purposes of  
3677 this section "an interdistrict magnet school program" means a program  
3678 which (1) supports racial, ethnic and economic diversity, (2) offers a  
3679 special and high quality curriculum, and (3) requires students who are  
3680 enrolled to attend at least half-time. An interdistrict magnet school  
3681 program does not include a regional vocational agriculture school, a  
3682 regional vocational-technical school or a regional special education  
3683 center. On and after July 1, 2000, the governing authority for each  
3684 interdistrict magnet school program that is in operation prior to July 1,  
3685 2005, shall restrict the number of students that may enroll in the  
3686 program from a participating district to eighty per cent of the total  
3687 enrollment of the program. The governing authority for each  
3688 interdistrict magnet school program that begins operations on or after  
3689 July 1, 2005, shall (A) restrict the number of students that may enroll in  
3690 the program from a participating district to seventy-five per cent of the  
3691 total enrollment of the program, and (B) maintain such a school  
3692 enrollment that at least twenty-five per cent but not more than  
3693 seventy-five per cent of the students enrolled are pupils of racial  
3694 minorities, as defined in section 10-226a.

3695 (b) Applications for interdistrict magnet school program operating  
3696 grants awarded pursuant to this section shall be submitted annually to

3697 the Commissioner of Education at such time and in such manner as the  
 3698 commissioner prescribes. In determining whether an application shall  
 3699 be approved and funds awarded pursuant to this section, the  
 3700 commissioner shall consider, but such consideration shall not be  
 3701 limited to: (1) Whether the program offered by the school is likely to  
 3702 increase student achievement; (2) whether the program is likely to  
 3703 reduce racial, ethnic and economic isolation; [and] (3) the percentage of  
 3704 the student enrollment in the program from each participating district;  
 3705 [. On and after July 1, 2000, the] and (4) the proposed operating budget  
 3706 and the sources of funding for the interdistrict magnet school. If  
 3707 requested by the commissioner, the applicant shall meet with the  
 3708 commissioner or the commissioner's designee to discuss the budget  
 3709 and sources of funding. The commissioner shall not award a grant to a  
 3710 program that is in operation prior to July 1, 2005, if more than eighty  
 3711 per cent of its total enrollment is from one school district, except that  
 3712 the commissioner may award a grant for good cause, for any one year,  
 3713 on behalf of an otherwise eligible magnet school program, if more than  
 3714 eighty per cent of the total enrollment is from one district. The  
 3715 commissioner shall not award a grant to a program that begins  
 3716 operations on or after July 1, 2005, if more than seventy-five per cent of  
 3717 its total enrollment is from one school district or if less than twenty-  
 3718 five or more than seventy-five per cent of the students enrolled are  
 3719 pupils of racial minorities, as defined in section 10-226a, except that the  
 3720 commissioner may award a grant for good cause, for one year, on  
 3721 behalf of an otherwise eligible interdistrict magnet school program, if  
 3722 more than seventy-five per cent of the total enrollment is from one  
 3723 district or less than twenty-five or more than seventy-five per cent of  
 3724 the students enrolled are pupils of racial minorities. The commissioner  
 3725 may not award grants pursuant to such an exception for a second  
 3726 consecutive year.

3727 (c) (1) The maximum amount each interdistrict magnet school  
 3728 program shall be eligible to receive per enrolled student shall be  
 3729 determined as follows: [(1)] (A) For each participating district whose  
 3730 magnet school program enrollment is equal to or less than thirty per

cent of the magnet school program total enrollment, ninety per cent of the foundation as defined in subdivision (7) of section 10-262f, as amended; [(2)] (B) for each participating district whose magnet school program enrollment is greater than thirty per cent but less than or equal to sixty per cent of the magnet school program total enrollment, a percentage between sixty and ninety per cent of said foundation that is inversely proportional to the percentage of magnet school program students from such district; and [(3)] (C) for each participating district whose magnet school program enrollment is greater than sixty per cent but less than or equal to ninety per cent of the magnet school program total enrollment, a percentage between zero and sixty per cent of said foundation that is inversely proportional to the percentage of magnet school program students from such district. The amounts so determined shall be proportionately adjusted, if necessary, within the limit of the available appropriation, and in no case shall any grant pursuant to this section exceed the reasonable operating budget of the magnet school program, less revenues from other sources. Any magnet school program operating less than full-time but at least half-time shall be eligible to receive a grant equal to sixty-five per cent of the grant amount determined pursuant to this subsection.

(2) For fiscal years ending June 30, 2003, and June 30, 2004, the commissioner may, within available appropriations, provide supplemental grants for the purposes of enhancing educational programs in such interdistrict magnet schools as the commissioner determines. Such grants shall be made after the commissioner has reviewed and approved the total operating budget for such schools, including all revenue and expenditure estimates.

Sec. 113 (*Effective from passage*) (a) The appropriation to the Department of Transportation in subsection (a) of section 47 of special act 01-1 of the June special session, and carried forward by subsection (2) of said section, as amended by section 2 of special act 01-1 of the November special session, for the Transportation Strategy Board, shall be reduced by \$364,000.

3764 (b) The sum of \$1,200,000 of the amount appropriated to the  
 3765 Department of Transportation in subsection (a) of section 47 of special  
 3766 act 01-1 of the June special session, and carried forward by subsection  
 3767 (2) of said section, as amended by section 2 of special act 01-1 of the  
 3768 November special session, for the Transportation Strategy Board, shall  
 3769 be expended as follows: (1) \$1,000,000 for jobs access programs to  
 3770 Southeast Connecticut and Dial-A-Ride; (2) \$100,000 for a study of an L  
 3771 Bus Route; (3) \$100,000 for an urban downtown traffic plan or  
 3772 downtown distributor transportation services to rail passengers.

3773 Sec. 114. (*Effective from passage*) Section 17 of public act 02-1 of the  
 3774 May 9 special session is amended to read as follows:

3775 The following amounts credited to the resources of the General  
 3776 Fund, for the fiscal year ending June 30, 2002, pursuant to sections 1 to  
 3777 18, inclusive, of [this act] public act 02-1 of the May 9 special session,  
 3778 shall be transferred as follows:

T51		\$	
T52	LEGISLATIVE MANAGEMENT		
T53	CTN	1,500,000	
T54			
T55	OFFICE OF POLICY AND		
T56	MANAGEMENT		
T57	Amistad	75,000	
T58	Adopt-a-House in Stamford	10,000	
T59	<u>Waterbury Youth Net</u>		<u>200,000</u>
T60	<u>Library Improvements</u>		<u>36,000</u>
T61	OTHER THAN PAYMENTS TO LOCAL		
T62	GOVERNMENTS		
T63	Arts Grants	[900,000]	<u>1,100,000</u>
T64	PAYMENTS TO LOCAL GOVERNMENTS		
T65	Local Aid Adjustment	3,000,000	
T66	AGENCY TOTAL	[3,985,000]	<u>4,421,000</u>
T67			
T68	DEPARTMENT OF VETERANS AFFAIRS		
T69	Transitional Living Services for Veterans	400,000	
T70			
T71	OFFICE OF WORKFORCE		

T72	COMPETITIVENESS		
T73	Workforce Development Boards	350,000	
T74			
T75	LABOR DEPARTMENT		
T76	Opportunity Industrial Centers -	100,000	
T77	Bridgeport		
T78	Individual Development Accounts	325,000	
T79	AGENCY TOTAL	425,000	
T80			
T81	DEPARTMENT OF AGRICULTURE		
T82	CT Seafood Advisory Council	50,000	
T83	Food Council	25,000	
T84	Wine Council	25,000	
T85	AGENCY TOTAL	100,000	
T86			
T87	DEPARTMENT OF ENVIRONMENTAL		
T88	PROTECTION		
T89	Grants for Water programs	75,000	
T90	Recreational Fishing Programs	1,000,000	
T91	AGENCY TOTAL	1,075,000	
T92			
T93	DEPARTMENT OF ECONOMIC AND		
T94	COMMUNITY DEVELOPMENT		
T95	Women's Business Development Center	10,000	
T96	OTHER THAN PAYMENTS TO LOCAL		
T97	GOVERNMENTS		
T98	Entrepreneurial Centers	200,000	
T99	PAYMENTS TO LOCAL GOVERNMENTS		
T100	Tax Abatement	2,243,276	
T101	Payment in Lieu of Taxes	2,900,000	
T102	AGENCY TOTAL	5,353,276	
T103			
T104	DEPARTMENT OF PUBLIC HEALTH		
T105	Tobacco Education	[1,247,208]	<u>361,208</u>
T106	Biomedical Research	500,000	
T107	PAYMENTS TO LOCAL GOVERNMENTS		
T108	School Based Health Clinics	145,000	
T109	AGENCY TOTAL	[1,892,208]	<u>1,006,208</u>
T110			
T111	DEPARTMENT OF MENTAL		
T112	RETARDATION		



T113	New Family Center	12,000	
T114			
T115	DEPARTMENT OF MENTAL HEALTH		
T116	AND ADDICTION SERVICES		
T117	Institute for Municipal and Regional Policy	100,000	
T118	<u>Connecticut Mental Health Center</u>		<u>450,000</u>
T119	<u>Regional Action Councils</u>		<u>200,000</u>
T120	OTHER THAN PAYMENTS TO LOCAL		
T121	GOVERNMENTS		
T122	Grants for Mental Health Services	375,000	
T123	AGENCY TOTAL	[475,000]	<u>1,125,000</u>
T124			
T125	DEPARTMENT OF SOCIAL SERVICES		
T126	OTHER THAN PAYMENTS TO LOCAL		
T127	GOVERNMENTS		
T128	School Readiness	200,000	
T129	Community Services	150,000	
T130	Enhanced Funding for Griffin Hospital	200,000	
T131	Stamford Hospital	2,500,000	
T132	Yale-New Haven Hospital	3,300,000	
T133	Legal Immigrants	1,200,000	
T134	Nursing Home Staffing	2,000,000	
T135	Epilepsy Project	50,000	
T136	Elderly Health Screening	100,000	
T137	Elderly Express	80,000	
T138	Geriatric Assessment	30,000	
T139	Human Resource Development	400,000	
T140	PAYMENTS TO LOCAL GOVERNMENTS		
T141	Teen Pregnancy Prevention	25,000	
T142	AGENCY TOTAL	10,235,000	
T143			
T144	DEPARTMENT OF EDUCATION		
T145	Jason Project	150,000	
T146	Connecticut Writing Project	75,000	
T147	PAYMENTS TO LOCAL GOVERNMENTS		
T148	Youth Service Bureau	15,000	
T149	Magnet Schools	912,000	
T150	Young Parents Program - The Bridge	25,000	
T151	AGENCY TOTAL	1,177,000	
T152			
T153	STATE LIBRARY		

T154	OTHER THAN PAYMENTS TO LOCAL		
T155	GOVERNMENTS		
T156	Basic Cultural Resources Grant	130,000	
T157	Grants - Local Institutions in Humanities	205,000	
T158	AGENCY TOTAL	335,000	
T159			
T160	DEPARTMENT OF HIGHER EDUCATION		
T161	Minority Advancement Program	[657,029]	<u>207,029</u>
T162	Saturday Academy	100,000	
T163	<u>New England Board of Higher Education</u>		<u>250,000</u>
T164	AGENCY TOTAL	[757,029]	<u>557,029</u>
T165			
T166	UNIVERSITY OF CONNECTICUT		
T167	Veterinary Diagnostic Laboratory	50,000	
T168			
T169	DEPARTMENT OF CORRECTION		
T170	OTHER THAN PAYMENTS TO LOCAL		
T171	GOVERNMENTS		
T172	Community Residential Services	240,000	
T173			
T174	BOARD OF PAROLE		
T175	OTHER THAN PAYMENTS TO LOCAL		
T176	GOVERNMENTS		
T177	Community Residential Services	40,000	
T178			
T179	DEPARTMENT OF CHILDREN AND		
T180	FAMILIES		
T181	OTHER THAN PAYMENTS TO LOCAL		
T182	GOVERNMENTS		
T183	Stamford Child Guidance Clinic	10,000	
T184	Fund Covenant to Care	150,000	
T185	Fund Neighborhood Center	90,000	
T186	AGENCY TOTAL	250,000	
T187			
T188	JUDICIAL DEPARTMENT		
T189	Alternative Incarceration Program	400,000	
T190			
T191	TOTAL	29,051,513	

3779 Such funds shall not lapse on June 30, 2002, and shall continue to be

3780 available for expenditure for such purpose during the fiscal year  
3781 ending June 30, 2003.

3782 Sec. 115. (*Effective from passage*) (a) The sum of \$200,000 appropriated  
3783 to the Office of Policy and Management in section 2 of special act 01-1  
3784 of the June special session, as amended by section 19 of public act 02-1  
3785 of the May 9 special session, for Other Expenses, shall be transferred to  
3786 the Department of Social Services for Elderly Services.

3787 (b) The sum of \$300,000 is appropriated to the Department of Social  
3788 Services for the State Food Stamp Supplement.

3789 (c) The sum of \$64,000 is appropriated to the Office of Policy and  
3790 Management for Library Improvements.

3791 Sec. 116. (*Effective from passage*) Sections 10-223b to 10-223d,  
3792 inclusive, and 17b-605 of the general statutes, subsection (a) of section  
3793 44 of public act 02-1 of the May 9 special session and section 47 of  
3794 public act 02-1 of the May 9 special session are repealed.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>July 1, 2003</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>from passage</i>
Sec. 13	<i>from passage</i>
Sec. 14	<i>from passage</i>
Sec. 15	<i>September 1, 2002</i>
Sec. 16	<i>September 1, 2002</i>

Sec. 17	<i>from passage</i>
Sec. 18	<i>from passage</i>
Sec. 19	<i>from passage</i>
Sec. 20	<i>from passage</i>
Sec. 21	<i>from passage</i>
Sec. 22	<i>from passage</i>
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Sec. 32	<i>from passage</i>
Sec. 33	<i>from passage</i>
Sec. 34	<i>from passage</i>
Sec. 35	<i>from passage</i>
Sec. 36	<i>from passage</i>
Sec. 37	<i>from passage</i>
Sec. 38	<i>October 1, 2002</i>
Sec. 39	<i>from passage</i>
Sec. 40	<i>October 1, 2002</i>
Sec. 41	<i>October 1, 2002</i>
Sec. 42	<i>October 1, 2002</i>
Sec. 43	<i>October 1, 2002</i>
Sec. 44	<i>October 1, 2002</i>
Sec. 45	<i>from passage</i>
Sec. 46	<i>from passage</i>
Sec. 47	<i>from passage</i>
Sec. 48	<i>from passage</i>
Sec. 49	<i>from passage</i>
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Sec. 70	<i>from passage</i>
Sec. 71	<i>from passage</i>
Sec. 72	<i>July 1, 2002</i>
Sec. 73	<i>from passage</i>
Sec. 74	<i>from passage</i>
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Sec. 90	<i>from passage</i>
Sec. 91	<i>from passage</i>
Sec. 92	<i>from passage</i>
Sec. 93	<i>from passage</i>
Sec. 94	<i>September 1, 2002</i>
Sec. 95	<i>from passage</i>
Sec. 96	<i>from passage</i>

Sec. 97	<i>from passage</i>
Sec. 98	<i>from passage</i>
Sec. 99	<i>from passage</i>
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Sec. 103	<i>from passage</i>
Sec. 104	<i>from passage</i>
Sec. 105	<i>from passage</i>
Sec. 106	<i>from passage</i>
Sec. 107	<i>October 1, 2002</i>
Sec. 108	<i>October 1, 2002</i>
Sec. 109	<i>October 1, 2002</i>
Sec. 110	<i>from passage</i>
Sec. 111	<i>from passage</i>
Sec. 112	<i>from passage</i>
Sec. 113	<i>from passage</i>
Sec. 114	<i>from passage</i>
Sec. 115	<i>from passage</i>
Sec. 116	<i>from passage</i>